



State Government

During the 2019 legislative session, the General Assembly considered measures related to its own operations, federal relations, state employees and retirement plans, state agencies and procurement, open records and meetings, and notarization and recording.

General Assembly

Legislative workplace. After a 2018 interim committee studied the legislative workplace, *Senate Bill 19-244* made changes to the workplace policies of the General Assembly. Three resolutions – *House Resolution 19-1006*, *Senate Resolution 19-011*, and *Senate Joint Resolution 19-010* – accompanied the bill and made additional workplace policy changes. The new policies include the creation of a workplace harassment policy and an Office of Legislative Workplace Relations, as well as a Workplace Harassment Committee for each chamber of the legislature. The office will provide services related to employee relations, training, workplace culture, and workplace harassment. The Senate and House committees will handle complaints under the workplace harassment policy of the General Assembly against legislators or members of the partisan staff. The Senate committee has two members appointed by the majority leader and two appointed by the minority leader, and the House committee has three members appointed by the Speaker of the House and three appointed by the minority leader. The committees may solicit outside experts to assist in their work, may meet in executive session,

and must keep all documents related to workplace harassment complaints confidential.

SJR 19-010 directs the Office of Legislative Workplace Relations to prepare a new legislative workplace harassment policy, in consultation with representatives from the legislative service agencies and both chambers of the General Assembly. The resolution provides details about the policy, including matters regarding complainant confidentiality and how determinations will be made. There must also be both formal and informal complaint resolution processes included in the policy.

The resolution also directs the Office of Legislative Workplace Relations to prepare a workplace expectations policy, to annually review relevant portions of each legislative agency's personnel manual, and to provide annual, mandatory training to all members and employees of the General Assembly. A list of members who do not attend the annual training must be made publicly available.

Legislative information and lobbying. Two bills passed in 2019 create additional fiscal note-like information for legislators. *House Bill 19-1184* allows legislators to request demographic notes for certain bills, which will be prepared by Legislative Council Staff. The notes will use available data to outline the potential effects of a legislative measure on disparities between the state population as a whole and certain subgroups in areas such as employment or health. The Speaker, House

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Minority Leader, Senate President, and Senate Minority Leader are each authorized to request up to five demographic notes. In a similar manner, *House Bill 19-1188* allows legislators to request greenhouse gas emissions reports for certain bills. These reports will also be prepared by Legislative Council Staff, and each legislative leader is authorized to request up to five greenhouse gas emissions reports.

House Bill 19-1248 requires lobbyists to provide disclosure statements to the Secretary of State during a regular or special session within 72 hours of when they agree to lobby in connection with a new bill or take a new position on an existing bill for a new or existing client. The bill requires the Secretary of State to convene a working group to consider upgrades to TRACER, the electronic filing system used by lobbyists to file their disclosure reports.

Committees. Two adopted bills create new ongoing interim committees beginning in 2019. *Senate Bill 19-015* creates the Statewide Health Care Review Committee, which cannot propose any legislation, but which can meet twice per interim, including up to two field trips, to study health care issues in the state. The committee has ten members who are also members of one of the standing committees related to health. *House Bill 19-1024* creates the Colorado Youth Advisory Council Review Committee. The Colorado Youth Advisory Council (COYAC) consists of 44 students between the ages of 14 and 19 and advises and makes recommendations to elected officials about issues that affect youth. Four legislators serve as non-voting members of COYAC. These four legislators, and one appointee from the Legislative Council Committee, serve on the COYAC Review Committee along with five COYAC students who are non-voting members. The review committee may meet up to three times per interim and can recommend up to three bills per interim for introduction in the next session.

House Bill 19-1173 allows an ex officio member of the Legislative Council to make a temporary appointment replacing himself or herself at a meeting. Ex officio members cannot be replaced at meetings of the Executive Committee of the Legislative Council.

Senate Bill 19-252 moves joint committee of reference meetings under the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act from the legislative interim to the first two weeks of the regular legislative session. As a result, appointees to committees of reference no longer must be designated by December 1, and members and members-elect are no longer entitled to per diem and expenses for SMART Government Act hearings.

State-Federal Relations

Many bills in the 2019 session addressed the role of the state in complying with federal laws and working with the federal government.

House Bill 19-1124 prohibits state and local law enforcement officials from arresting or detaining an individual on the basis of a civil immigration detainer request, but clarifies that state and local law enforcement agencies may assist federal authorities in the execution of a federal warrant or other federal criminal investigation. In addition, the bill prohibits a probation officer or employee from providing a probationer's personal information to federal immigration authorities. Finally, the bill requires that persons in custody receive certain information in writing prior to being interviewed by federal authorities and again upon release.

House Bill 19-1078 requires an applicant seeking to place a property on the National Register of Historic Places to obtain the consent of the property owner before the State Historical

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Society can take any action to approve the request.

House Bill 19-1232 updates state law to align compliance requirements with updated guidelines for implementing the federal Indian Child Welfare Act. *House Bill 19-1305*, which the Governor vetoed, would have also addressed tribal child welfare placements. This bill would have clarified that tribal departments of human services and law enforcement agencies, as well as county and local agencies, could conduct criminal history background checks of persons taking a child in an emergency placement. In his statement, Governor Polis said he vetoed HB 19-1305 because of a drafting error, and he issued an executive order with the same goal of providing Colorado's Indian tribes access to the Colorado Bureau of Investigation's criminal history system.

Senate Bill 19-230 codifies the existing Colorado Refugee Services Program in the Department of Human Services, with responsibility for the state's refugee services plan under the federal Immigration and Nationality Act.

The federal government will conduct a decennial census in 2020. *House Bill 19-1239* creates the 2020 Census Outreach Grant Program in the Department of Local Affairs to provide grants in order to promote an accurate census count in 2020. The bill appropriates \$6 million for the grants. Eligible recipients of the grants include local governments, intergovernmental agencies, Indian tribes, and nonprofit organizations.

State Employees and Retirement Plans

House Bill 19-1273, which was lost in the House Appropriations Committee, would have required the state to establish partnership agreements with certified employee organizations. The organizations would

represent all covered employees in a partnership unit, which was defined as a group of covered employees who share a specified occupational group with similar job classifications. An executive order from 2007 creates existing partnership units.

Two bills that did not pass would have modified the state employee holiday schedule to eliminate the Columbus Day holiday. *House Bill 19-1056*, which was postponed indefinitely by the House State, Veterans, and Military Affairs Committee, would have replaced Columbus Day with Election Day. *House Bill 19-1185*, which was postponed indefinitely in the Senate State, Veterans, and Military Affairs Committee, would have replaced Columbus Day with Colorado Day in August.

Senate Bill 19-188, the Family Medical Leave Insurance Program (FAMLI), requires analyses be completed concerning the implementation of a paid family and medical leave program for all employees in Colorado. If the state implements FAMLI as envisioned in the introduced bill, state employees will pay premiums into the program and be eligible for paid family leave under the program.

Public Employees Retirement Association (PERA). *House Bill 19-1217* eliminates a 2 percent phased increase in employee contributions for local government division members of PERA. Employee contributions in the local government division will instead stay at 8 percent. *House Bill 19-1270*, which was postponed indefinitely by the House Finance Committee, would have required the PERA board to analyze climate-related financial risks to its portfolio.

Fire and Police Pension Association (FPPA). *Senate Bill 19-260* authorizes a law enforcement or fire protection employer that is eligible to participate in the Social Security Supplemental Plan to elect to participate in one or more

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defined benefit plans administered by the FPPA.

State Agencies and State Procurement

House Bill 19-1127 authorizes the Lieutenant Governor to serve concurrently as the director of the Office of Saving People Money on Health Care. *House Bill 19-1292* reauthorizes the Colorado Resiliency Office in the Department of Local Affairs, repeals the requirement that the office be grant funded, and provides a General Fund appropriation for the office.

A number of bills addressed the state procurement system. *Senate Bill 19-135* requires the Department of Personnel and Administration to commission an independent study of the state procurement process to determine whether disparities exist between the participation of historically underutilized businesses and other businesses. The study must include recommendations to address any disparities that it finds, and it must be completed by December 1, 2020.

Senate Bill 19-196 modifies contractual requirements for most public construction projects administered by state departments and higher education institutions. The bill requires general contractors to employ apprentices for most trades on public projects and to pay local prevailing wage. The Colorado Department of Transportation (CDOT) is exempt from the bill's requirements. *House Bill 19-1227*, which was deemed lost in the Senate, would have required the state to convene a working group to determine how to implement a prevailing wage requirement for state construction contracts.

Senate Bill 19-076 requires CDOT to study and report to the General Assembly on several issues relating to consulting engineering contracts. These issues include the implementation of fixed bid contracts, quality assurance, the hiring of retired CDOT

employees by consultants, contract incentives, and contract administration.

Senate Bill 19-138 expands certain performance and payment bonding requirements to projects using public or private financing on publicly owned property.

Open Records and Meetings

A number of bills passed in 2019 addressed open records and open meeting requirements for state and local government agencies.

Under Colorado's Sunshine Law, a local government must provide full and timely public notice of any meeting of two or members of a public body at which any public business is discussed or at which any formal action may be taken. These meetings must also be open to the public. However, in limited circumstances, a government body may call a closed meeting, called an executive session. *House Bill 19-1201* allows school district boards of education to hold executive sessions for the purpose of developing strategies related to negotiations of a collective bargaining agreement or employment contract. *House Bill 19-1087* allows all local government entities, including special districts, to fulfill the public notice requirement by posting notice of public meetings on the entity's website, available to the public at no charge, at least 24 hours before holding that meeting. The notices must be searchable, if feasible, and the entity must provide its web address to the Department of Local Affairs for inclusion in an inventory of websites.

Under state law, criminal justice records are open to inspection by any person. *House Bill 19-1119* includes under this law records related to a closed internal investigation of a peace officer who was the subject of an incident of alleged misconduct involving a member of the public.

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House Bill 19-1136 allows the State Auditor to have access to certain records in response to a fiscal or performance audit of specific non-state entities; namely, for audits of the Colorado New Energy Improvement District and Program, the use of money in the State Historical Fund, the Colorado Health Benefit Exchange, and community-centered boards.

House Bill 19-1197 makes it illegal for a person to post the personal information of a social caseworker, county attorney, or his or her immediate family members if the dissemination of personal information poses an imminent and serious threat.

Recording and Notaries Public

In Colorado, county clerks and recorders record marriage licenses. *House Bill 19-1316* sets a statewide minimum age for marriage at 16, and requires judicial approval of any marriage where a party is under the age of 18. An earlier bill on the same topic, *House Bill 19-1251*, was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

Two bills would have addressed the use of remote notaries in limited circumstances. *Senate Bill 19-084* was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee, and *House Bill 19-1167* was lost in the Senate.