

HB1078_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

HB16-1078 be amended as follows:

1 Amend printed bill, page 9, after line 17 insert:

2 "SECTION 5. In Colorado Revised Statutes, add 32-1-114 as
3 follows:

4 **32-1-114. Disclosure - retaliation prohibited - civil action -**
5 **definitions.** (1) AS USED IN THIS SECTION:

6 (a) "DISCIPLINARY ACTION" MEANS ANY FORM OF DISCIPLINE OR
7 PENALTY, INCLUDING, BUT NOT LIMITED TO, DISMISSAL, DEMOTION,
8 TRANSFER, REASSIGNMENT, SUSPENSION, CORRECTIVE ACTION,
9 REPRIMAND, ADMONISHMENT, UNSATISFACTORY OR BELOW STANDARD
10 PERFORMANCE EVALUATION, REDUCTION IN FORCE, OR WITHHOLDING OF
11 WORK, OR THE THREAT OF ANY SUCH DISCIPLINE OR PENALTY.

12 (b) "EMPLOYEE" MEANS ANY PERSON EMPLOYED BY A SPECIAL
13 DISTRICT.

14 (c) "SPECIAL DISTRICT" MEANS A SPECIAL DISTRICT FORMED IN, OR
15 IN ACCORDANCE WITH, THE PROVISIONS OF TITLE 32, C.R.S.

16 (2) A SPECIAL DISTRICT SHALL NOT INITIATE OR ADMINISTER ANY
17 DISCIPLINARY ACTION AGAINST AN EMPLOYEE ON ACCOUNT OF THE
18 EMPLOYEE'S STATEMENTS TO ANY PERSON ABOUT THE SPECIAL DISTRICT
19 THAT THE EMPLOYEE REASONABLY BELIEVES TO SHOW A VIOLATION OF A
20 STATE OR FEDERAL LAW OR A SPECIAL DISTRICT RESOLUTION, A WASTE OR
21 MISUSE OF PUBLIC FUNDS, FRAUD, AN ABUSE OF AUTHORITY,
22 MISMANAGEMENT, A DANGER TO THE HEALTH OR SAFETY OF EMPLOYEES
23 OR THE PUBLIC. THIS PROHIBITION DOES NOT APPLY TO AN EMPLOYEE WHO
24 DISCLOSES INFORMATION THAT HE OR SHE KNOWS TO BE FALSE OR WHO
25 DISCLOSES INFORMATION WITH RECKLESS DISREGARD FOR THE TRUTH OR
26 FALSITY THEREOF; AN EMPLOYEE WHO DISCLOSES INFORMATION THAT IS
27 FROM A PUBLIC RECORD CLOSED TO PUBLIC INSPECTION PURSUANT TO
28 SECTION 24-72-204, C.R.S., OR THAT IS OTHERWISE CONFIDENTIAL UNDER
29 STATE LAW, IF THE EMPLOYEE'S DISCLOSURE IS NOT REASONABLY
30 NECESSARY TO SHOW ONE OR MORE OF THE CIRCUMSTANCES IDENTIFIED
31 IN PARAGRAPH (a) OF THIS SUBSECTION (2); OR AN EMPLOYEE WHO
32 DISCLOSES INFORMATION THAT IS CONFIDENTIAL UNDER ANY PROVISION
33 OF FEDERAL LAW.

34 (3) AN EMPLOYEE HAS THE SAME REMEDIES FOR A VIOLATION OF
35 THIS SECTION THAT A MUNICIPAL EMPLOYEE HAS UNDER SECTION
36 31-4-601, C.R.S."

37 Renumber succeeding section accordingly.

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