

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0363.01 Richard Sweetman x4333

HOUSE BILL 12-1118

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A BILL FOR AN ACT

101 **CONCERNING ENSURING TRANSPARENCY IN COLLECTIVE BARGAINING**
102 **NEGOTIATIONS BETWEEN SCHOOL DISTRICT BOARDS OF**
103 **EDUCATION AND SCHOOL EMPLOYEES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A meeting of members of a board of education (local board) or school administration personnel with one or more representatives of employees at which the terms of a collective bargaining agreement are negotiated are open to the public, and the local board or school

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

administration personnel shall give any prior notice of the meeting that is required by law. A local board may conduct an executive session to determine its position on matters subject to negotiations so long as a representative of employees is not present during the executive session.

When a local board enters into the terms of a written collective bargaining agreement, the local board shall make available for public inspection any document that:

- ! Has been presented to a representative of the employees who are a party to the agreement, by any member of the local board or school administrative personnel that is a party to the agreement; or
- ! Has been presented to any member of the local board or school administrative personnel that is a party to the agreement to a representative of the employees who are a party to the agreement.

For the purposes of the "Colorado Sunshine Act of 1972", "local public body" includes members of a local board, school administration personnel, or a combination thereof, who are involved in a meeting with one or more representatives of employees at which a collective bargaining agreement is discussed.

For the purposes of the "Colorado Open Records Act", "public records" includes documents relating to the conduct of collective bargaining negotiations between a local board, school administration personnel, or a combination thereof, and a representative of employees.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Labor negotiations between school districts and public
5 education employees are an extension of the people's business;

6 (b) Because such negotiations deal with a public employer and
7 public employees, taxpayers have a vested interest in the proceedings;

8 (c) Taxpayers deserve to observe, monitor, and even participate
9 in the processes by which public education contracts are negotiated and
10 awarded;

11 (d) Increased transparency in labor negotiation meetings and

1 documents related thereto serves to provide all parties to the negotiations
2 with an incentive to avoid any hint of corruption;

3 (e) Open sessions and increased oversight help ensure that local
4 school districts are using taxpayer money effectively; and

5 (f) The people insist on remaining informed so that they may
6 retain control over the instruments they have created.

7 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.4, **add** (4)
8 and (5) as follows:

9 **22-32-109.4. "Colorado School Collective Bargaining**
10 **Agreement Sunshine Act" - board of education - specific duties.**

11 (4) (a) A MEETING OF MEMBERS OF A BOARD OF EDUCATION OR SCHOOL
12 ADMINISTRATION PERSONNEL, OR OF ONE OR MORE REPRESENTATIVES OF
13 MEMBERS OF A BOARD OF EDUCATION OR SCHOOL ADMINISTRATION
14 PERSONNEL, WITH ONE OR MORE REPRESENTATIVES OF EMPLOYEES AT
15 WHICH THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT ARE
16 NEGOTIATED SHALL BE OPEN TO THE PUBLIC, AND THE BOARD OF
17 EDUCATION OR SCHOOL ADMINISTRATION PERSONNEL SHALL GIVE ANY
18 NOTICE REQUIRED BY SECTION 24-6-402 (2) (c), C.R.S., BEFORE THE
19 MEETING.

20 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE
21 CONSTRUED TO PROHIBIT A BOARD OF EDUCATION FROM CONDUCTING AN
22 EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 24-6-402
23 (4) (e), C.R.S., TO DETERMINE ITS POSITION ON MATTERS SUBJECT TO
24 NEGOTIATIONS SO LONG AS A REPRESENTATIVE OF EMPLOYEES IS NOT
25 PRESENT DURING THE EXECUTIVE SESSION.

26 (5) WHEN A BOARD OF EDUCATION ENTERS INTO THE TERMS OF A
27 WRITTEN COLLECTIVE BARGAINING AGREEMENT, THE BOARD OF

1 EDUCATION SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION UNDER THE
2 TERMS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72
3 OF TITLE 24, C.R.S., ANY DOCUMENT THAT:

4 (a) HAS BEEN PRESENTED TO A REPRESENTATIVE OF THE
5 EMPLOYEES WHO ARE A PARTY TO THE AGREEMENT, BY ANY MEMBER OF
6 THE BOARD OF EDUCATION OR SCHOOL ADMINISTRATIVE PERSONNEL THAT
7 IS A PARTY TO THE AGREEMENT; OR

8 (b) HAS BEEN PRESENTED TO ANY MEMBER OF THE BOARD OF
9 EDUCATION OR SCHOOL ADMINISTRATIVE PERSONNEL, OR ANY
10 REPRESENTATIVE OF THE BOARD OF EDUCATION OR SCHOOL
11 ADMINISTRATION PERSONNEL, THAT IS A PARTY TO THE AGREEMENT, BY
12 A REPRESENTATIVE OF THE EMPLOYEES WHO ARE A PARTY TO THE
13 AGREEMENT.

14 **SECTION 3.** In Colorado Revised Statutes, 24-6-402, **amend** (1)
15 (a) and (4) (e) as follows:

16 **24-6-402. Meetings - open to public - definitions.** (1) For the
17 purposes of this section:

18 (a) (I) "Local public body" means any board, committee,
19 commission, authority, or other advisory, policy-making, rule-making, or
20 formally constituted body of any political subdivision of the state and any
21 public or private entity to which a political subdivision, or an official
22 thereof, has delegated a governmental decision-making function but does
23 not include persons on the administrative staff of the local public body.

24 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
25 THIS PARAGRAPH (a), "LOCAL PUBLIC BODY" INCLUDES MEMBERS OF A
26 LOCAL BOARD OF EDUCATION, SCHOOL ADMINISTRATION PERSONNEL, OR
27 A COMBINATION THEREOF, AND ANY REPRESENTATIVES OF MEMBERS OF A

1 LOCAL BOARD OF EDUCATION OR SCHOOL ADMINISTRATION PERSONNEL,
2 WHO ARE INVOLVED IN A MEETING WITH ONE OR MORE REPRESENTATIVES
3 OF EMPLOYEES AT WHICH A COLLECTIVE BARGAINING AGREEMENT IS
4 DISCUSSED.

5 (4) The members of a local public body subject to this part 4, upon
6 the announcement by the local public body to the public of the topic for
7 discussion in the executive session, including specific citation to the
8 provision of this subsection (4) authorizing the body to meet in an
9 executive session and identification of the particular matter to be
10 discussed in as much detail as possible without compromising the purpose
11 for which the executive session is authorized, and the affirmative vote of
12 two-thirds of the quorum present, after such announcement, may hold an
13 executive session only at a regular or special meeting and for the sole
14 purpose of considering any of the following matters; except that no
15 adoption of any proposed policy, position, resolution, rule, regulation, or
16 formal action, except the review, approval, and amendment of the
17 minutes of an executive session recorded pursuant to subparagraph (II) of
18 paragraph (d.5) of subsection (2) of this section, shall occur at any
19 executive session that is not open to the public:

20 (e) (I) Determining positions relative to matters that may be
21 subject to negotiations; developing strategy for negotiations; and
22 instructing negotiators.

23 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
24 THIS PARAGRAPH (e), SUCH PROVISIONS DO NOT APPLY TO A MEETING OF
25 THE MEMBERS OF A LOCAL BOARD OF EDUCATION, SCHOOL
26 ADMINISTRATION PERSONNEL, OR BOTH, DURING WHICH:

27 (A) NEGOTIATIONS RELATED TO COLLECTIVE BARGAINING, AS

1 DEFINED IN SECTION 8-3-104 (3), C.R.S., ARE CONDUCTED; OR

2 (B) NEGOTIATIONS FOR EMPLOYMENT CONTRACTS, OTHER THAN
3 NEGOTIATIONS FOR AN INDIVIDUAL EMPLOYEE'S CONTRACT, ARE
4 CONDUCTED.

5 **SECTION 4.** In Colorado Revised Statutes, 24-72-202, **add** (6)
6 (a) (V) as follows:

7 **24-72-202. Definitions.** As used in this part 2, unless the context
8 otherwise requires:

9 (6) (a) (V) "PUBLIC RECORDS" INCLUDES DOCUMENTS RELATING
10 TO THE CONDUCTING OF COLLECTIVE BARGAINING NEGOTIATIONS
11 BETWEEN A BOARD OF EDUCATION, SCHOOL ADMINISTRATION PERSONNEL,
12 OR A COMBINATION THEREOF, AND A REPRESENTATIVE OF EMPLOYEES, AS
13 PROVIDED IN SECTION 22-32-109.4 (5), C.R.S.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.