

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB16-1078 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, line 7, strike "A" and substitute "EXCEPT AS  
2 SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (2), A".

3 Page 3, line 17, strike "MISMANAGEMENT;" and substitute "GROSS  
4 MISMANAGEMENT;".

5 Page 4, after line 5 insert:

6 "(c) IT IS THE OBLIGATION OF AN EMPLOYEE WHO WISHES TO  
7 DISCLOSE INFORMATION UNDER THE PROTECTION OF THIS SECTION TO  
8 MAKE A GOOD FAITH EFFORT TO INFORM HIS OR HER SUPERVISOR, AN  
9 ADMINISTRATOR ABOVE THE LEVEL OF HIS OR HER SUPERVISOR, OR A  
10 BOARD MEMBER OF THE LOCAL EDUCATION PROVIDER OF THE NATURE OF  
11 THE INFORMATION TO BE DISCLOSED PRIOR TO THE TIME OF DISCLOSURE."

12 Page 4, strike lines 11 through 20 and substitute "RELIEF AND DAMAGES.  
13 THE EMPLOYEE MUST SERVE THE LOCAL EDUCATION PROVIDER IN  
14 ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE. PRIOR TO  
15 THE TIME THAT AN ANSWER IS DUE, THE LOCAL EDUCATION PROVIDER MAY  
16 FILE A WRITTEN NOTICE REJECTING THE ADMINISTRATIVE LAW JUDGE'S  
17 JURISDICTION, AND, IN WHICH CASE, THE JUDGE SHALL DISMISS THE  
18 COMPLAINT WITHOUT PREJUDICE. HEARINGS ARE CONDUCTED CONSISTENT  
19 WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S., UNLESS THE  
20 DIRECTOR OF THE OFFICE OF ADMINISTRATIVE COURTS ESTABLISHES  
21 DIFFERENT RULES THAT APPLY. THE FINAL DECISION OF THE

1 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE  
2 COURT OF APPEALS IN THE SAME MANNER AS AN AGENCY ACTION THAT IS  
3 APPEALED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

4 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
5 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN  
6 COMPLAINT BUT THE LOCAL EDUCATION PROVIDER REJECTED THE  
7 JURISDICTION MAY BRING A CIVIL ACTION IN THE APPROPRIATE DISTRICT  
8 COURT OF THE STATE ALLEGING A VIOLATION OF THIS SECTION AND  
9 SEEKING DAMAGES AND INJUNCTIVE RELIEF."

10 Page 5, line 7, strike "SHALL" and substitute "MAY".

11 Page 5, line 22, strike "A" and substitute "EXCEPT AS SET FORTH IN  
12 PARAGRAPH (c) OF THIS SUBSECTION (2), A".

13 Page 6, line 4, strike "MISMANAGEMENT;" and substitute "GROSS  
14 MISMANAGEMENT;".

15 Page 6, after line 19 insert:

16 "(c) IT IS THE OBLIGATION OF AN EMPLOYEE WHO WISHES TO  
17 DISCLOSE INFORMATION UNDER THE PROTECTION OF THIS SECTION TO  
18 MAKE A GOOD FAITH EFFORT TO INFORM HIS OR HER SUPERVISOR, AN  
19 ADMINISTRATOR ABOVE THE LEVEL OF HIS OR HER SUPERVISOR, OR A  
20 COUNTY COMMISSIONER OF THE NATURE OF THE INFORMATION TO BE  
21 DISCLOSED PRIOR TO THE TIME OF DISCLOSURE."

22 Page 6, strike lines 25 through 27.

23 Page 7, strike lines 1 through 7 and substitute "RELIEF AND DAMAGES. THE  
24 EMPLOYEE MUST SERVE THE COUNTY IN ACCORDANCE WITH THE  
25 COLORADO RULES OF CIVIL PROCEDURE. PRIOR TO THE TIME THAT AN  
26 ANSWER IS DUE, THE COUNTY MAY FILE A WRITTEN NOTICE REJECTING THE  
27 ADMINISTRATIVE LAW JUDGE'S JURISDICTION, AND, IN WHICH CASE, THE  
28 JUDGE SHALL DISMISS THE COMPLAINT WITHOUT PREJUDICE. HEARINGS  
29 ARE CONDUCTED CONSISTENT WITH THE PROVISIONS OF SECTION 24-4-105,  
30 C.R.S., UNLESS THE DIRECTOR OF THE OFFICE OF ADMINISTRATIVE COURTS  
31 ESTABLISHES DIFFERENT RULES THAT APPLY. THE FINAL DECISION OF THE  
32 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE  
33 COURT OF APPEALS IN THE SAME MANNER AS AN AGENCY ACTION THAT IS  
34 APPEALED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

1 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
2 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN  
3 COMPLAINT BUT THE COUNTY REJECTED THE JURISDICTION MAY BRING A  
4 CIVIL ACTION IN THE APPROPRIATE DISTRICT COURT OF THE STATE  
5 ALLEGING A VIOLATION OF THIS SECTION AND SEEKING DAMAGES AND  
6 INJUNCTIVE RELIEF."

7 Page 7, line 27, strike "A" and substitute "EXCEPT AS SET FORTH IN  
8 PARAGRAPH (c) OF THIS SUBSECTION (2), A".

9 Page 8, line 9, strike "MISMANAGEMENT;" and substitute "GROSS  
10 MISMANAGEMENT;".

11 Page 8, after line 24 insert:

12 "(c) IT IS THE OBLIGATION OF AN EMPLOYEE WHO WISHES TO  
13 DISCLOSE INFORMATION UNDER THE PROTECTION OF THIS SECTION TO  
14 MAKE A GOOD FAITH EFFORT TO INFORM HIS OR HER SUPERVISOR, AN  
15 ADMINISTRATOR ABOVE THE LEVEL OF HIS OR HER SUPERVISOR, OR A  
16 MEMBER OF THE MUNICIPALITY'S GOVERNING BODY TO BE DISCLOSED  
17 PRIOR TO THE TIME OF DISCLOSURE."

18 Page 9, strike lines 3 through 12 and substitute "RELIEF AND DAMAGES.  
19 THE EMPLOYEE MUST SERVE THE MUNICIPALITY IN ACCORDANCE WITH THE  
20 COLORADO RULES OF CIVIL PROCEDURE. PRIOR TO THE TIME THAT AN  
21 ANSWER IS DUE, THE MUNICIPALITY MAY FILE A WRITTEN NOTICE  
22 REJECTING THE ADMINISTRATIVE LAW JUDGE'S JURISDICTION, AND, IN  
23 WHICH CASE, THE JUDGE SHALL DISMISS THE COMPLAINT WITHOUT  
24 PREJUDICE. HEARINGS ARE CONDUCTED CONSISTENT WITH THE PROVISIONS  
25 OF SECTION 24-4-105, C.R.S., UNLESS THE DIRECTOR OF THE OFFICE OF  
26 ADMINISTRATIVE COURTS ESTABLISHES DIFFERENT RULES THAT APPLY.  
27 THE FINAL DECISION OF THE ADMINISTRATIVE LAW JUDGE IS SUBJECT TO  
28 JUDICIAL REVIEW BY THE COURT OF APPEALS IN THE SAME MANNER AS AN  
29 AGENCY ACTION THAT IS APPEALED IN ACCORDANCE WITH SECTION  
30 24-4-106 (11), C.R.S.

31 (4) AN EMPLOYEE WHO DID NOT FILE A WRITTEN COMPLAINT WITH  
32 THE OFFICE OF ADMINISTRATIVE COURTS OR WHO FILED A WRITTEN  
33 COMPLAINT BUT THE MUNICIPALITY REJECTED THE JURISDICTION MAY  
34 BRING A CIVIL ACTION IN THE APPROPRIATE DISTRICT COURT OF THE STATE  
35 ALLEGING A VIOLATION OF THIS SECTION AND SEEKING DAMAGES AND  
36 INJUNCTIVE RELIEF."

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