

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0079.01 Bob Lackner

SENATE BILL 09-049

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISCLOSURE OF THE COMPENSATION OF STATE**
102 **EMPLOYEES UNDER THE "COLORADO OPEN RECORDS ACT".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Modifies provisions of the "Colorado Open Records Act" (CORA) permitting the custodian of public records to deny the right of inspection of certain public records by clarifying that nothing in CORA shall prohibit the publication of compensation information of employees in the state personnel system in an aggregate or statistical form that is classified in a manner that prevents the identification, location, or habits of the employees.

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.

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

2 **SECTION 1.** 24-72-204 (3) (a) (II) (A), Colorado Revised
3 Statutes, is amended to read:

4 **24-72-204. Allowance or denial of inspection - grounds -**
5 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
6 right of inspection of the following records, unless otherwise provided by
7 law; except that any of the following records, other than letters of
8 reference concerning employment, licensing, or issuance of permits, shall
9 be available to the person in interest under this subsection (3):

10 (II) (A) Personnel files; but such files shall be available to the
11 person in interest and to the duly elected and appointed public officials
12 who supervise such person's work. NOTWITHSTANDING ANY OTHER
13 PROVISION OF THIS SUB-SUBPARAGRAPH (A) OR OF SECTION 24-72-202
14 (4.5), NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO PROHIBIT THE
15 PUBLICATION OF COMPENSATION INFORMATION OF EMPLOYEES IN THE
16 STATE PERSONNEL SYSTEM IN AN AGGREGATE OR STATISTICAL FORM THAT
17 IS CLASSIFIED IN A MANNER THAT PREVENTS THE IDENTIFICATION,
18 LOCATION, OR HABITS OF THE EMPLOYEES.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly that is
22 allowed for submitting a referendum petition pursuant to article V,
23 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
24 sine die is on May 6, 2009); except that, if a referendum petition is filed
25 against this act or an item, section, or part of this act within such period,
26 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.