

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-1118.01 Bart Miller

SENATE BILL 15-275

SENATE SPONSORSHIP

Lambert and Carroll, Cadman, Scheffel, Steadman

HOUSE SPONSORSHIP

Hullinghorst and Young, DelGrosso

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR INFORMATION GIVEN TO MEMBERS OF**
102 **THE GENERAL ASSEMBLY IN THE COURSE OF OFFICIAL DUTIES.**

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>.)

The bill recognizes that members of the general assembly may need to receive confidential information during the course of their official duties in making decisions and voting on legislation with respect to all areas of state government. The bill encourages members of the general assembly to use this confidential information when it is necessary for carrying out official duties. Because of the general assembly's oversight

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.*

over the health care system in Colorado, the bill specifically directs the governor and state agencies to consider the general assembly and its members a health oversight agency under federal law when any member of the general assembly receives individually identifiable health information. The bill requires members of the general assembly that receive confidential information, including individually identifiable health information, to keep the information confidential and only use it as necessary for the consideration of official actions of the general assembly.

The bill changes the Colorado whistleblower protection law to protect state employees from retaliatory disciplinary action when they give information to members of the general assembly. The bill specifies that if a state employee gives confidential information to a member of the general assembly, the member of the general assembly shall keep that information confidential and not make it available for public inspection.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-2-315.5 as
3 follows:

4 **2-2-315.5. Receipt of confidential information by members of**
5 **the general assembly - legislative declaration. (1)** THE GENERAL
6 ASSEMBLY FINDS AND DETERMINES THAT, IN THE COURSE OF THE
7 LEGISLATIVE PROCESS AND THE MEMBERS' OFFICIAL DUTIES, IT MAY BE
8 NECESSARY FOR MEMBERS OF THE GENERAL ASSEMBLY TO BE GIVEN
9 INFORMATION THAT IS CONFIDENTIAL UNDER STATE STATUTE, FEDERAL
10 STATUTE, STATE OR FEDERAL ADMINISTRATIVE RULE, OR A RULE OF THE
11 STATE OR FEDERAL COURTS. BECAUSE THIS INFORMATION IS BENEFICIAL
12 TO MEMBERS OF THE GENERAL ASSEMBLY IN MAKING LEGISLATIVE
13 DECISIONS AND VOTING ON LEGISLATION WITH RESPECT TO ALL AREAS OF
14 STATE GOVERNMENT, MEMBERS OF THE GENERAL ASSEMBLY ARE
15 ENCOURAGED TO USE CONFIDENTIAL INFORMATION WHEN IT IS NECESSARY
16 FOR CARRYING OUT OFFICIAL DUTIES.

1 (2) BECAUSE THE GENERAL ASSEMBLY HAS GENERAL OVERSIGHT
2 OVER THE HEALTH CARE SYSTEM IN COLORADO, THE GENERAL ASSEMBLY
3 DECLARES THAT THE GOVERNOR AND ALL STATE AGENCIES SHALL
4 CONSIDER THE GENERAL ASSEMBLY AND ITS MEMBERS A HEALTH
5 OVERSIGHT AGENCY UNDER THE FEDERAL "HEALTH INSURANCE
6 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB. L. 104-191, 42
7 U.S.C. SEC. 1320 (d) to 1320 (d) (8), WHEN ANY MEMBER OF THE GENERAL
8 ASSEMBLY RECEIVES ANY INDIVIDUALLY IDENTIFIABLE HEALTH
9 INFORMATION FOR OVERSIGHT PURPOSES OR UNDER ARTICLE 50.5 OF TITLE
10 24, C.R.S.

11 (3) WHEN ANY MEMBER OF THE GENERAL ASSEMBLY RECEIVES
12 ANY CONFIDENTIAL INFORMATION, INCLUDING _____ REDACTED HEALTH
13 INFORMATION FOR OVERSIGHT PURPOSES OR UNDER ARTICLE 50.5 OF TITLE
14 24, C.R.S., THIS INFORMATION WILL BE KEPT CONFIDENTIAL AND USED
15 ONLY FOR OFFICIAL LEGISLATIVE PURPOSES CONNECTED TO THE
16 CONSIDERATION OF OFFICIAL ACTIONS OF THE GENERAL ASSEMBLY.

17 **SECTION 2.** In Colorado Revised Statutes, 24-50.5-102, **amend**
18 (2) as follows:

19 **24-50.5-102. Definitions.** As used in this article, unless the
20 context otherwise requires:

21 (2) "Disclosure of information", EXCEPT AS AUTHORIZED UNDER
22 SECTION 24-50.5-103 (3), means the written provision of evidence to any
23 person, or the testimony before any committee of the general assembly,
24 regarding any action, policy, regulation, practice, or procedure, including
25 ~~but not limited to~~, the waste of public funds, abuse of authority, or
26 mismanagement of any state agency. "DISCLOSURE OF INFORMATION"
27 DOES NOT INCLUDE GIVING INFORMATION TO A MEMBER OF THE GENERAL

1 ASSEMBLY AS AUTHORIZED UNDER SECTION 24-50.5-103 (3).

2 **SECTION 3.** In Colorado Revised Statutes, 24-50.5-103,
3 **add** (3) as follows:

4 **24-50.5-103. Retaliation prohibited. (3) NOTWITHSTANDING**
5 **SUBSECTIONS (1) AND (2) OF THIS SECTION,** AN EMPLOYEE MAY GIVE ANY
6 INFORMATION TO A MEMBER OF THE GENERAL ASSEMBLY. IF AN EMPLOYEE
7 GIVES ANY INFORMATION TO A MEMBER OF THE GENERAL ASSEMBLY THAT
8 IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER THE
9 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24,
10 C.R.S., THE MEMBER OF THE GENERAL ASSEMBLY SHALL, IF REQUESTED TO
11 PERMIT PUBLIC INSPECTION, DENY PUBLIC INSPECTION OF THAT
12 INFORMATION. IF AN EMPLOYEE GIVES INFORMATION TO A MEMBER OF THE
13 GENERAL ASSEMBLY, NO APPOINTING AUTHORITY OR SUPERVISOR SHALL
14 INITIATE OR ADMINISTER ANY DISCIPLINARY ACTION AGAINST THE
15 EMPLOYEE ON ACCOUNT OF THE EMPLOYEE'S GIVING THAT INFORMATION
16 TO A MEMBER OF THE GENERAL ASSEMBLY. AN EMPLOYEE'S GIVING
17 INFORMATION TO A MEMBER OF THE GENERAL ASSEMBLY DOES NOT
18 CONSTITUTE THE "DISCLOSURE OF INFORMATION", AS DEFINED IN SECTION
19 24-50.5-102.

20 **SECTION 4. Effective date - applicability.** This act takes effect
21 upon passage and applies to any information given and to any state
22 employee that has given or gives information to a member of the general
23 assembly before or on or after said date.

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