

CCI

Colorado Counties, Inc.
800 Grant St., Suite 500, Denver, CO 80203
Phone: 303.861.4076 Fax: 303.861.2818
www.ccionline.org

GENERAL GOVERNMENT

Thursday, January 19, 2012

9 a.m., CCI Office

Teleconference: 1.218.862.1300 Passcode: 171009

(Please be advised this meeting is being recorded)

AGENDA

WELCOME

Commissioner Sean Conway, Chair

Peggy Littleton, Vice-Chair

Pat Ratliff, CCI

Eric Bergman, CCI

INTRODUCTIONS

LEGISLATION

Bill summaries are based on the introduced version of the bill. Contact CCI for the latest amended information.

| Bill # | Short Title | H-Sponsor | S-Sponsor | Bill Summary | Position |
|-----------|--------------------------------------------------|----------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| HB12-1036 | Open Records Act Clarification | J. Kerr | | The bill clarifies that the current exemption from the "Colorado Open Records Act" for investigative files applies to those files compiled for any civil, administrative, or criminal law enforcement purpose. | |
| SB12-001 | Contracting Preferences For Employing Coloradans | S. Ryden C. Duran | E. Hudak | On and after July 1, 2012, if a state agency (agency) or governmental body (body) issues an invitation for bids or a request for proposals for a construction contract for a public project (construction contract) or for a services contract that is, in either case, worth more than \$1 million, the agency or body must grant a 3% preference to the bidder or offeror (contractor) if the contractor certifies that at least 90% of the employees who will perform the requirements of the contract are Colorado residents. With respect to a construction contract, an agency or body must also grant a contractor who receives the 3% preference: An additional 1% preference if the contractor certifies that it offers health care and retirement benefits to the employees who will perform the contract requirements; and an additional 1% preference if the contractor certifies that the employees who will perform the contract requirements have access to a federally qualified apprenticeship training program. With respect to a services contract, an agency or body must also grant a contractor who receives the 3% preference an additional 2% preference if the contractor certifies that it offers health care benefits and retirement benefits to the employees who will perform the requirements of the contract. An agency or body may not allow any of the preferences to a noncompliant contractor, and the contractor may not use the preference to satisfy a minimum requirement of | |

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| | | | | <p>a contract. A contractor that seeks a preference for a bid or offer must certify its eligibility for the preference to the agency or body that issued the invitation for bids or request for proposals. The agency or body may rely on the certification but may also require the contractor to submit substantiating documentation or other information needed to verify the contractor's eligibility for the preference.</p> | |
| SB12-003 | Permissible Use Of Credit Information By Employers | R. Fischer | M. Carroll | <p>The bill creates the ""Employment Opportunity Act"", which specifies the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer (jointly referred to as ""employer""). Specifically, the bill:</p> <p>Prohibits an employer's use of consumer credit information for employment purposes if the information is unrelated to the job; Requires an employer to disclose to an employee or applicant for employment (jointly, ""employee"") when the employer uses the employee's consumer credit information to take adverse action against him or her and the particular credit information upon which the employer relied; Authorizes an employee aggrieved by a violation of the above provisions to bring suit for an injunction, damages, or both; and Requires the department of labor and employment to enforce the laws related to employer use of consumer credit information.</p> | |
| SB12-004 | Preference For US Materials In Public Contracts | J. Miklosi | J. Foster | <p>Any state agency (agency) that issues an invitation for bids or a request for proposals on or after July 1, 2012, for the purchase of materials, supplies, products, provisions, or equipment for which an appropriation or expenditure of moneys is reasonably expected to exceed \$1 million in the aggregate is required to provide to a bidder or offer or (contractor) that responds to the invitation for bids or request for proposals a preference in an amount equal to 1% of the bid price, which is to be subtracted from the bid of each contractor that certifies that it has undertaken best efforts to ensure that such materials, supplies, products, provisions, or equipment are manufactured in the United States. The preference allowed pursuant to the bill may not be awarded to a contractor that fails to meet the requirements of the bill, and the preference may not be used to satisfy any applicable minimum requirements of the contract. The preference is only allowed if:</p> <p>The materials, supplies, products, provisions, or equipment that are manufactured in the United States are equal in quality to any such items that are manufactured outside the United States; The materials, supplies, products, provisions, or equipment that are manufactured in the United States are able to be manufactured in sufficient quantities to satisfy the requirements of the invitation for bids or request for proposals; and</p> <p>The cost of the materials, supplies, products, provisions, or equipment that are manufactured in the United States does not exceed the cost of such items manufactured outside the United States by more than 5%. Any contractor that seeks allowance of a preference made available under the bill must certify to the agency that issued the invitation for bids or request for proposals that the contractor is eligible for the preference. The agency may rely on certification provided by the contractor but may also require the contractor to submit additional information to verify the contractor's eligibility for the</p> | |

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| | | | | preference. The agency is responsible for verifying that the contractor has satisfied all applicable requirements and is, therefore, eligible for the preference. | |
| SB12-026 | Agency Rules With State Mandates On A Local Gov | | B. Cadman | The bill prohibits an agency from promulgating a rule creating a state mandate on a local government unless: The state mandate is specifically required by federal or state law; The agency consults with local governments prior to promulgation of the rule; and The state provides the funding necessary for the direct costs incurred by the local government in complying with the state mandate. For each proposed rule that includes a state mandate, prior to filing a notice of proposed rule-making with the secretary of state, an agency is required to provide information to the director of the office of state planning and budgeting relating to the rule and contact with local governments. The agency is prohibited from conducting a public hearing on the proposed rule unless it receives a written notice that the information complies with the law. The agency must include the information and the director's notice in the agency rule-making record and provide copies of them to the executive committee of the legislative council. An agency is also required to develop a process to actively solicit the input of elected officials and other representatives of local governments into the development of proposed rules affecting a local government. The bill permits an agency to adopt a temporary or emergency rule without complying with these new requirements, but such compliance is required in order for the rule to become permanent. | |

OTHER BUSINESS

CCI Federal Issues Survey

ADJOURN