

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-0853.01 Nicole Myers x4326

SENATE BILL 17-150

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES BY**
102 **PUBLIC OFFICIALS.**

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://leg.colorado.gov>.)

The bill prohibits a public official from appointing, employing, promoting, or advancing a relative, and from advocating for the appointment, employment, promotion, or advancement of a relative, in or to a position in the state agency in which the public official is serving or over which the public official exercises jurisdiction or control. An individual who is appointed, employed, promoted, or advanced by a

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.

public official who is a relative, or who had a relative who is a public official advocate for his or her appointment, employment, promotion, or advancement, is not entitled to salary or benefits in connection with state employment. These requirements do not apply to positions in which the employee is paid hourly.

The executive director of the department of personnel is authorized to promulgate rules for the temporary employment of individuals whose employment would otherwise be prohibited in the event of emergencies resulting from natural disasters or similar unforeseen events.

The bill does not prohibit an individual from being appointed, employed, promoted, or advanced in a state agency in which he or she has a relative who is a public official, so long as the public official did not violate the provisions of the bill and the appointment, employment, promotion, or advancement is accordance with the requirements of the state personnel system specified in the state constitution and the "State Personnel System Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-5-102 as
3 follows:

4 **24-5-102. Employment of relatives - restrictions - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "PUBLIC OFFICIAL" MEANS AN ELECTED OR APPOINTED
8 OFFICIAL, A STATE EMPLOYEE, OR ANY OTHER INDIVIDUAL IN WHOM THE
9 AUTHORITY IS VESTED BY LAW, RULE, OR REGULATION, OR TO WHOM THE
10 AUTHORITY HAS BEEN DELEGATED, TO APPOINT, EMPLOY, PROMOTE, OR
11 ADVANCE INDIVIDUALS, OR TO RECOMMEND INDIVIDUALS FOR
12 APPOINTMENT, EMPLOYMENT, PROMOTION, OR ADVANCEMENT IN
13 CONNECTION WITH EMPLOYMENT IN A STATE AGENCY.

14 (b) "RELATIVE" MEANS AN INDIVIDUAL WHO IS RELATED TO A
15 PUBLIC OFFICIAL AS FATHER, MOTHER, SON, DAUGHTER, BROTHER, SISTER,
16 UNCLE, AUNT, FIRST COUSIN, NEPHEW, NIECE, HUSBAND, WIFE,

1 FATHER-IN-LAW, MOTHER-IN-LAW, SON-IN-LAW, DAUGHTER-IN-LAW,
2 BROTHER-IN-LAW, SISTER-IN-LAW, STEPFATHER, STEPMOTHER, STEPSON,
3 STEPDAUGHTER, STEPBROTHER, STEPSISTER, HALF BROTHER, HALF SISTER,
4 GRANDFATHER, GRANDMOTHER, OR GRANDCHILD.

5 (c) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,
6 COUNCIL, BOARD, BUREAU, COMMITTEE, OFFICE, INSTITUTION OF HIGHER
7 EDUCATION, AGENCY, POLITICAL SUBDIVISION OF THE STATE, OR OTHER
8 GOVERNMENTAL UNIT OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL
9 BRANCH OF STATE GOVERNMENT.

10 (2) (a) A PUBLIC OFFICIAL MAY NOT APPOINT, EMPLOY, PROMOTE,
11 ADVANCE, OR ADVOCATE FOR APPOINTMENT, EMPLOYMENT, PROMOTION,
12 OR ADVANCEMENT, IN OR TO A POSITION IN THE STATE AGENCY IN WHICH
13 HE OR SHE IS SERVING, OR OVER WHICH HE OR SHE EXERCISES
14 JURISDICTION OR CONTROL, ANY INDIVIDUAL WHO IS A RELATIVE OF THE
15 PUBLIC OFFICIAL; EXCEPT THAT THIS SUBSECTION (2)(a) DOES NOT APPLY
16 TO POSITIONS IN WHICH EMPLOYEES ARE PAID HOURLY.

17 (b) AN INDIVIDUAL MAY NOT BE APPOINTED, EMPLOYED,
18 PROMOTED, OR ADVANCED IN OR TO A POSITION IN A STATE AGENCY IF
19 SUCH APPOINTMENT, EMPLOYMENT, PROMOTION, OR ADVANCEMENT HAS
20 BEEN ADVOCATED BY A PUBLIC OFFICIAL WHO IS SERVING IN OR
21 EXERCISING JURISDICTION OR CONTROL OVER THE STATE AGENCY AND
22 WHO IS A RELATIVE OF THE INDIVIDUAL; EXCEPT THAT THIS SUBSECTION
23 (2)(b) DOES NOT APPLY TO POSITIONS IN WHICH EMPLOYEES ARE PAID
24 HOURLY.

25 (3) AN INDIVIDUAL APPOINTED, EMPLOYED, PROMOTED, OR
26 ADVANCED IN VIOLATION OF THIS SECTION IS NOT ENTITLED TO SALARY OR
27 BENEFITS IN CONNECTION WITH STATE EMPLOYMENT.

1 (4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL
2 MAY PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE
3 24 AUTHORIZING THE TEMPORARY EMPLOYMENT, IN THE EVENT OF
4 EMERGENCIES RESULTING FROM NATURAL DISASTERS OR SIMILAR
5 UNFORESEEN EVENTS OR CIRCUMSTANCES, OF INDIVIDUALS WHOSE
6 EMPLOYMENT WOULD OTHERWISE BE PROHIBITED BY THIS SECTION.

7 (5) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE
8 APPOINTMENT, EMPLOYMENT, PROMOTION, OR ADVANCEMENT OF AN
9 INDIVIDUAL WHO HAS A RELATIVE WHO IS A PUBLIC OFFICIAL IN THE STATE
10 AGENCY SO LONG AS THE APPOINTMENT, EMPLOYMENT, PROMOTION, OR
11 ADVANCEMENT IS NOT IN VIOLATION OF SUBSECTION (2) OF THIS SECTION
12 AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE
13 PERSONNEL SYSTEM SPECIFIED IN SECTION 13 OF ARTICLE XII OF THE
14 STATE CONSTITUTION AND THE "STATE PERSONNEL SYSTEM ACT",
15 ARTICLE 50 OF THIS TITLE 24.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.