

## Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009)

Signed into Law	
Bill Number: <b>HB 09-1008</b>	Short Title: <b>State Employee Annual Leave Transfers</b>
Sponsors: <i>Rep. Miklosi</i> <i>Sen. Williams</i>	Status:           Signed into Law
<p>The act expands the ability of employees in the state personnel system to transfer annual leave. Under this state leave sharing program, an employee may voluntarily donate a portion of his or her accrued annual leave to other employees, individually, or through a leave sharing bank. Under current law, annual leave may be transferred to an employee if the employee or a member of the employee's immediate family experiences "a catastrophic, life threatening health condition." The bill changes the eligibility condition to receive transferred leave to "an unforeseeable life-altering event beyond the employee's control." The bill also requires that any recipient of transferred annual leave must have exhausted all of his or her paid leave, including annual leave and compensatory time.</p>	<p><b>Appropriations:</b></p> <p>The act may reduce state expenditures since leave sharing has historically consisted of transfers from higher-paid, longer-term employees to lower-paid and newer employees; however, the fiscal impact cannot be determined.</p>
Bill Number: <b>HB 09-1281</b>	Short Title: <b>State Boards Persons with Disabilities</b>
Sponsors: <i>Rep. Labuda</i> <i>Sens. M. Carroll &amp; Newell</i>	Status:           Signed into Law
<p><b>House Bill 09-1281</b> encourages the governor to include representation by at least one person with a disability, a family member of a disabled person, or a member of an advocacy group for persons with disabilities in making appointments to the following state boards:</p> <ul style="list-style-type: none"> <li>• Colorado Commission on the Aging;</li> <li>• Colorado Transportation Commission;</li> <li>• Colorado Children's Trust Fund Board;</li> <li>• Mental Health Advisory Board for Service Standards and Regulations;</li> <li>• State Board of Health;</li> <li>• State Board of Housing;</li> <li>• State Board of Human Services; and</li> <li>• State Medical Services Board.</li> </ul>	<p>The act is assessed as having no fiscal impact on the state.</p>

## Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)

Signed into Law (Cont.)			
Bill Number:	<b>HB 09-1285</b>	Short Title:	<b>Government Data Sharing</b>
Sponsors:	<i>Rep. Benefield</i> <i>Sen. K. King</i>	Status:	Signed into Law
<p>The Governor's Office of Information Technology (OIT) currently oversees the Data Protocol Development Council. The council assists the OIT in creating and implementing an interdepartmental data protocol to permit the efficient collection and sharing of information among state agencies. <b>House Bill 09-1285</b> replaces the council with a Government Data Advisory Board and an Education Data Subcommittee.</p> <p>The Government Data Advisory Board will be comprised of four members appointed by the governor and nine members representing specific state departments. The advisory board will assist OIT in developing the protocol, recommend a fee schedule for interdepartmental and external data exchanges, and recommend rules and procedures regarding data sharing among state agencies and with outside entities. The bill requires the advisory board to submit recommendations regarding protocols for data sharing to OIT before January 15, 2010, and annually thereafter. The recommendations will be considered by OIT prior to submission of a report concerning implementation of data protocols to the General Assembly before March 2010, and annually thereafter.</p> <p>The Education Data Subcommittee (a subcommittee of the advisory board) is comprised of at least 16 members from the education community, and will include two members of the advisory board. The subcommittee will make recommendations to the advisory board regarding the use and exchange of education data, including student transcripts, among public education agencies. The subcommittee will also make recommendations regarding the design and development of a statewide comprehensive P-20 education data system. The bill requires that the subcommittee submit its recommendations to OIT and to the advisory board before December 2009, and every six months thereafter. OIT will consider the subcommittee's recommendations in developing its recommendations regarding the sharing of student data, including the creation of a P-20 Education Data System, and report to the General Assembly by March 1, 2010, and each subsequent March.</p>		<p><b>Appropriations:</b></p> <p>State revenues and expenditures will increase by an unknown amount due to data exchange fees adopted by the OIT.</p>	

## Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)

Signed into Law (Cont.)			
Bill Number: <b>SB 09-066</b>		Short Title: <b>PERA Merger State Defined Contribution Plan</b>	
Sponsors: <i>Sen. Tochtrop</i> <i>Rep. Primavera</i>		Status:           Signed into Law	
<p><b>Senate Bill 09-066</b> was recommended by the Legislative Audit Committee. The act transfers the administration of two state employee retirement plans from the Department of Personnel and Administration to the Public Employees' Retirement Association (PERA) effective July 1, 2009. The two plans to be transferred are the state's defined contribution plan and the state's optional deferred contribution (457) plan. The act also authorizes PERA to offer a 403 (b) supplemental tax-advantaged retirement savings plan to eligible employees, such as teachers and certain health care workers. The act abolishes the State Deferred Compensation Committee and grants the committee's administrative and fiduciary responsibilities to the PERA Board of Trustees. Under the act, members of the state defined contribution plan will become members of the existing PERA defined contribution plan.</p>		<p><b>Appropriations:</b></p> <p>The act requires a reduction in appropriations from the Deferred Compensation Administration Fund and the Defined Contribution Plan Administration Fund, and reappropriated funds to the Department of Personnel and Administration of \$956,815 and 2.0 FTE.</p>	
Bill Number: <b>SB 09-088</b>		Short Title: <b>State Group Benefits Domestic Partners</b>	
Sponsors: <i>Sen. Veiga</i> <i>Rep. Ferrandino</i>		Status:           Signed into Law	
<p>The act makes domestic partners of state employees eligible for coverage under state employee group benefit plans. The bill defines the term "domestic partner" as an adult, at least 18 years of age, who is the same gender as the employee, who is unmarried and unrelated to the employee, and with whom the employee has shared an exclusive, committed relationship for at least one year. The bill applies to group benefit plans issued or renewed on or after July 1, 2010.</p>		<p><b>Appropriations:</b></p> <p>The act increases costs for all state agencies in FY 2010-11 by \$116,182 through higher employee insurance costs. This funding will come from multiple sources, including the General Fund, cash funds, and federal funds, depending on how each state agency is funded.</p>	
Bill Number: <b>SB 09-099</b>		Short Title: <b>State Procurement Supplier Databases</b>	
Sponsors: <i>Sen. Morse</i> <i>Rep. Ferrandino</i>		Status:           Signed into Law	
<p>The act requires the Department of Personnel and Administration (DPA) to implement a centralized electronic procurement system designed to provide more efficient delivery of state procurement services for use by state agencies, local governments, and vendors. The Executive Director of DPA is authorized to set and collect fees from vendors and local governments participating in the electronic procurement system to cover the costs of the system. These fees will be annually appropriated to the DPA for implementation and maintenance of the system.</p>		<p><b>Appropriations:</b></p> <p>The act requires an appropriation to the Department of Personnel and Administration of \$1,924,562 from the Supplier Database Cash Fund and 1.0 FTE for FY 2009-10.</p>	

**Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)**

Signed into Law (Cont.)			
Bill Number:	<b>SB 09-157</b>	Short Title:	<b>CU Retirement Plan Eligibility PERA</b>
Sponsors:	<i>Sen. Sandoval Rep. Hullinghorst</i>	Status:	Signed into Law
<p>The act specifies that certain employees of the University of Colorado (CU) are members of the university's optional retirement plan. These employees include the university president, chancellors, deans, other professionals exempt from the state personnel system, and faculty as determined by the Board of Regents.</p> <p>The act also permits new CU employees who are members or inactive members of PERA to elect, within 30 days of being hired, to join either the Public Employees' Retirement Association or the university's retirement plan.</p>			<p><b>Appropriations:</b></p> <p>The act is assessed as having no fiscal impact on the state.</p>

## Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)

### Signed into Law (Cont.)

Bill Number:	<b>SB 09-282</b>	Short Title:	<b>Denver Public School Retirement PERA Merger</b>
Sponsors:	<i>Sens. Sandoval &amp; Spence Rep. A. Kerr</i>	Status:	Signed into Law

The act creates the Denver Public Schools (DPS) division within the Public Employees' Retirement Association (PERA) as of January 1, 2010. Under current law, DPS is the only school district in the state not affiliated with PERA. However, the bill specifies that the debt obligations of DPS shall not become obligations of PERA, the state, or any other PERA-affiliated employer. Senate Bill 09-282:

- creates the DPS division as a separate division within PERA and keeps the funding for DPS separate from PERA's other trust funds;
- includes DPS charter schools within the DPS division;
- authorizes a nonvoting ex-officio representative of DPS to serve on the PERA Board of Trustees;
- creates a separate DPS division health care trust fund;
- sets specific higher employer contribution rates for the DPS division relative to other PERA divisions;
- requires periodic adjustment of DPS division employer contribution rates to assure equalization of the DPS division's ratio of unfunded actuarial accrued liability over payroll to that of the PERA School Division;
- addresses the administration of benefits for PERA members following the merger of the DPS retirement system into PERA;
- requires DPS division employers to make additional employer contributions – amortization equalization disbursements (AED) and supplemental amortization equalization disbursements (SAED) – for DPS members, as is required of all other PERA employers;
- allows PERA members to move between divisions within PERA, including the existing school division and the new DPS division, without affecting their retirement benefits; and
- requires that the PERA Board of Trustees submit recommendations to the General Assembly regarding methods of responding to the decrease in the value of the association's assets on or before November 1, 2009.

#### **Appropriations:**

The act is expected to increase PERA's administrative costs; however, these costs will be paid through administrative charges to the DPS division.

## Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)

Postponed Indefinitely			
Bill Number:	<b>HB 09-1368</b>	Short Title:	<b>Exclude Specified Contracts from the Centralized Contract Management System</b>
Sponsors:	<i>Rep. Labuda</i> <i>Sen. M. Carroll</i>	Status:	Postponed Indefinitely
<p>Current law requires the development of a public, searchable database of personal services state contracts exceeding \$100,000 (centralized contract management system) in Colorado before June 30, 2009. <b>House Bill 09-1368</b> would have made changes to the state's centralized contract management system, excluding "grant contracts" and "loan contracts" from inclusion in the system. The bill defined grant and loan contracts as contracts between a state agency and another party where the agency acts as a conduit to distribute funds for the benefit of the other party or the public.</p>		<p><b>Appropriations:</b></p> <p>The bill was assessed as having no fiscal impact on the state.</p>	
Bill Number:	<b>SB 09-049</b>	Short Title:	<b>Compensation Information State Employees</b>
Sponsors:	<i>Sen. Tochtrop</i>	Status:	Postponed Indefinitely
<p>The introduced bill would have clarified in Colorado law that compensation information relating to employees in the state personnel system may be published only in an aggregate or statistical form that is classified in a manner that avoids the identification of individual employees, their location, or habits.</p>		<p><b>Appropriations:</b></p> <p>This bill was assessed as having no fiscal impact. The bill was not expected to affect the number of cases handled by state courts related to the Open Records Act or its enforcement.</p>	

**Summary of Bills Relating to State Government, 2009 Session (As of June 11, 2009) (Cont.)**

<b>Postponed Indefinitely (Cont.)</b>	
Bill Number: <b>SB 09-1221</b>	Short Title: <b>Mandatory Furloughs for State Employees</b>
Sponsors: <i>Rep. S. King</i> <i>Sen. Spence</i>	Status: Postponed Indefinitely
<p>The introduced bill would have required certain state employees (depending on the level of their salaries) to take furlough days without pay in the current fiscal year and in FY 2009-10 as follows:</p> <ul style="list-style-type: none"> <li>• employees earning under \$40,000 per annum would have been required to take one furlough day per month;</li> <li>• employees earning between \$40,000 and \$60,000 per annum would have been required to take 1.5 furlough days per month; and</li> <li>• employees earning more than \$60,000 per annum would have been required to take two furlough days per month.</li> </ul> <p>Employees of the Colorado State Patrol, correctional officers, police officers, employees of the Department of Human Services who provide hands-on care, and employees providing hands-on nursing care, were exempted in the bill from the requirement to take furlough days. The bill would have covered classified and nonclassified employees in the executive and legislative branches. Institutions of higher education would have been required to implement the furlough requirement, or obtain the same budgetary savings from some alternative means.</p>	<p><b>Appropriations:</b></p> <p>The bill would have reduced the state's expenditures (General Fund, cash funds and federal funds) by an estimated \$14.4 million in FY 2008-09. Indeterminate state appropriations would have also been required. In FY 2009-10, the bill would have reduced state expenditures by \$73,065,181 from the General Fund, cash funds and federal funds.</p>