

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0529.01 Nicole Myers x4326

HOUSE BILL 18-1298

HOUSE SPONSORSHIP

Pettersen and Bridges,

SENATE SPONSORSHIP

Donovan and Todd,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO SECURE SAVINGS**
102 **PLAN.**

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 establishes the Colorado secure savings plan (plan), which is a retirement savings plan for private-sector employees in the form of an automatic enrollment payroll deduction individual retirement account. Employers with a specified number of employees in the state are required to participate in the plan, but any employer may choose to participate in the plan.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 25, 2018

HOUSE
Amended 2nd Reading
April 24, 2018

The Colorado secure savings plan board of trustees (board) is created and consists of the state controller, the director of the governor's office of state planning and budgeting, and 7 additional trustees with certain experience who are appointed by the governor and confirmed by the senate. The trustees on the board have a fiduciary duty to the plan's enrollees and beneficiaries and are required to:

- ! Establish investment options that offer employees returns on contributions without incurring debt or liabilities to the state;
- ! Establish the process for allocating investment earnings and losses to individual plan accounts on a pro rata basis;
- ! Make and enter into contracts and hire staff as necessary for the administration of the plan;
- ! Conduct a periodic review of the performance of any investment vendors;
- ! Cause money in the Colorado secure savings plan fund (fund) to be invested with the intent to achieve cost savings through efficiencies and economies of scale;
- ! Establish the process for an enrollee to contribute a portion of his or her wages to the plan for automatic deposit and establish the process by which the participating employer forwards those contributions to the plan;
- ! Establish the process for enrollment in the plan including the process by which an employee can opt not to participate in the plan;
- ! Accept gifts, grants, and donations from specified entities and pursue options for bank loans or a line of credit to cover the start-up costs of the plan;
- ! Procure, as needed, insurance against loss in connection with the property, assets, or activities of the plan;
- ! Allocate administrative fees to individual retirement accounts in the plan on a pro rata basis;
- ! Set minimum and maximum contribution levels;
- ! Facilitate education and outreach to employers and employees;
- ! Ensure that the plan complies with all applicable state and federal laws;
- ! Deposit all gifts, grants, donations, fees, and earnings from investment of money in the fund into the fund and pay the administrative costs and expenses for the creation, management, and operation of the plan from money in the fund;
- ! Determine any nominal and reasonable assistance that may be provided to businesses to offset the initial costs of enrolling employees in the plan and complying with audits

- and plan implementation;
- ! Prepare or cause to be prepared certain annual audits and annual reports regarding the plan;
- ! Develop a process to ensure that employers are in compliance with the requirements of the plan and develop a penalty structure for employers who fail, without reasonable cause, to enroll employees in the plan;
- ! Conduct or cause to be conducted a financial feasibility study to ensure that the plan will be self-sustaining; and
- ! Conduct an analysis of relevant consumer protections available under federal law and make recommendations to the general assembly regarding additional necessary consumer protections that should be included in legislation implementing the plan.

The bill specifies the process by which the board is required to engage an investment manager to invest the assets of the plan and specifies the investment options that the board is required to create.

The bill creates the fund as a trust outside of the state treasury, specifies that the fund will include the individual retirement accounts of enrollees in the plan, and allows the board to use a certain percentage of money in the fund for the administrative expenses of the plan. The money in the fund is not property of the state and cannot be commingled with state money.

The board must design and disseminate employer and employee information packets regarding the plan and the options for employee participation in the plan to all employers that participate in the plan.

If, based on the required financial feasibility study, the board determines that the plan will be self-sustaining and would promote greater retirement savings for private-sector employees, the board must recommend to the general assembly that the plan be implemented. The board may not implement the plan unless the general assembly, acting by bill, directs the board to implement the plan.

The bill dictates the timing for the board to implement the plan, if directed to do so by the general assembly, and a time frame for employers to establish a system by which enrollees in the plan can remit payroll deduction contributions to the plan. Employers must automatically enroll employees in the plan unless an employee has opted out of participation in the plan. Enrollees may select an investment option and contribution level or use the default investment option and contribution amount established by the board.

The bill specifies that the state and employers do not have any duty or liability to any party for the payments of any retirement savings benefits accrued by any individual through the plan.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Nearly half of all families in the United States have no
5 retirement assets. Even among those families who are nearing retirement,
6 four out of ten have no retirement assets.

7 (b) Middle-class working-age families whose incomes are at the
8 fiftieth percentile have, on average, only five thousand dollars saved in
9 retirement accounts. The average for families with incomes at the
10 ninetieth percentile is two hundred seventy-four thousand dollars.

11 (c) Only three in ten women aged sixty-five and older and slightly
12 more than four in ten men aged sixty-five and older receive any income
13 from pensions or retirement savings;

14 (d) Most African-American and Hispanic families have no
15 retirement savings. About four out of ten African-American families and
16 one out of four Hispanic families have retirement savings. The median
17 white family with retirement savings has over three times as much saved
18 as the median African-American or median Hispanic family.

19 (e) Coloradans are less prepared for retirement today than in
20 previous decades. Eighty-two percent of Coloradans agree that the nation
21 faces a retirement crisis and seventy-eight percent of Coloradans say that
22 it is getting harder to prepare for retirement.

23 (f) Older workers are working longer and delaying their
24 retirement. Many of today's seniors rely on their children, who are already
25 struggling to raise their own families, or on other social services that are
26 underfunded.

27 (g) Almost five out of ten Coloradans, aged twenty-five to

1 sixty-four, working in the private sector lack access to a retirement plan
2 at work;

3 (h) Colorado's younger workers are disproportionately affected,
4 with forty-nine percent of workers between the age of twenty-five and
5 twenty-nine, forty-five percent of workers between the age of thirty and
6 thirty-four, and forty-eight percent of workers between the age of
7 thirty-five and thirty-nine, lacking access to a retirement plan at work;

8 (i) Minority workers in Colorado are also disproportionately
9 affected, with forty-nine percent of African-American workers and
10 fifty-six percent of Hispanic workers lacking access to a retirement plan
11 at work;

12 (j) Colorado's lowest wage workers are also less likely to have
13 access to a workplace retirement savings plan. Seventy-six percent of
14 Colorado's workers in the lowest income quintile and fifty-two percent of
15 Colorado's workers in the second lowest income quintile have no access
16 to a retirement plan at work.

17 (k) The major reason why many workers do not participate in
18 retirement savings plans is their employers do not offer them. Experts on
19 retirement recommend that the best way to increase retirement savings is
20 to offer a workplace savings plan to all workers and enroll them
21 automatically with the right to opt out.

22 (l) For decades, Americans have built their retirement with
23 traditional pensions, social security, and individual savings, but America's
24 retirement system has unraveled. About half of Colorado workers in the
25 private sector do not have any type of employer-sponsored retirement
26 plan, and individual savings plans are not filling the gap and have proved
27 risky and unreliable.

1 (m) The future of Colorado's economic growth relies on our aging
2 population having sufficient income in retirement so they can afford to
3 live independently and have quality healthcare. Our seniors contribute
4 significantly to local economies throughout the state, and their retirement
5 investment spending provides stability to those communities.

6 (n) Colorado needs a remedy to the retirement security crisis so
7 that Coloradans can look forward to a retirement free from financial
8 anxiety or hardship; and

9 (o) Coloradans have a history of creating unique solutions to the
10 challenges that the state faces. The state has an opportunity to craft a plan
11 for the future that can ensure all Coloradans have the ability to save for
12 retirement.

13 (2) The general assembly further finds and declares that it is
14 therefore in the best interest of the state to study the feasibility of creating
15 the Colorado secure savings plan to provide a workplace savings plan for
16 all Colorado workers whose employers do not provide such a plan.

17 **SECTION 2.** In Colorado Revised Statutes, **add** article 54.3 to
18 title 24 as follows:

19 **ARTICLE 54.3**

20 **Colorado Secure Savings Plan Study Act**

21 **24-54.3-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 54.3
22 IS THE "COLORADO SECURE SAVINGS PLAN STUDY ACT".

23 **24-54.3-102. Definitions.** AS USED IN THIS ARTICLE 54.3, UNLESS
24 THE CONTEXT OTHERWISE REQUIRES:

25 (1) "BOARD" MEANS THE COLORADO SECURE SAVINGS PLAN
26 BOARD ESTABLISHED IN SECTION 24-54.3-103.

27 (2) "EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EIGHTEEN YEARS

1 OR OLDER, WHO IS EMPLOYED BY AN EMPLOYER FOR AT LEAST ONE
2 HUNDRED TWENTY DAYS, AND WHO EARNS WAGES SUBJECT TO INCOME
3 TAX PURSUANT TO SECTION 39-22-104.

4 (3) "EMPLOYER" MEANS A PERSON OR ENTITY ENGAGED IN A
5 BUSINESS, INDUSTRY, PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE
6 STATE, WHETHER FOR PROFIT OR NOT-FOR-PROFIT, THAT EMPLOYS FIVE OR
7 MORE EMPLOYEES AT ANY TIME DURING THE PREVIOUS CALENDAR YEAR,
8 HAS BEEN IN BUSINESS AT LEAST TWO YEARS, AND HAS NOT OFFERED A
9 QUALIFIED RETIREMENT PLAN TO ANY EMPLOYEES, INCLUDING, BUT NOT
10 LIMITED TO, A PLAN QUALIFIED UNDER SECTIONS 401 (a), 401 (k), 403 (a),
11 403 (b), 408 (k), 408 (p), OR 457 (b) OF THE INTERNAL REVENUE CODE IN
12 THE PRECEDING TWO YEARS.

13 (4) "INTERNAL REVENUE CODE" MEANS THE FEDERAL "INTERNAL
14 REVENUE CODE OF 1986", AS AMENDED, OR ANY SUCCESSOR LAW.

15 (5) "IRA" MEANS A ROTH INDIVIDUAL RETIREMENT ACCOUNT
16 AUTHORIZED PURSUANT TO SECTION 408A OF THE INTERNAL REVENUE
17 CODE OR A TRADITIONAL INDIVIDUAL RETIREMENT ACCOUNT.

18 (6) "PAYROLL DEPOSIT RETIREMENT SAVINGS ARRANGEMENT"
19 MEANS AN ARRANGEMENT BY WHICH A PARTICIPATING EMPLOYER ALLOWS
20 EMPLOYEES TO REMIT PAYROLL DEDUCTION CONTRIBUTIONS TO AN IRA.

21 (7) "WAGES" MEANS ANY COMPENSATION WITHIN THE MEANING
22 OF SECTION 219 (f)(1) OF THE INTERNAL REVENUE CODE THAT IS RECEIVED
23 BY AN EMPLOYEE FROM AN EMPLOYER DURING THE CALENDAR YEAR.

24 **24-54.3-103. Colorado secure savings plan board - creation -**
25 **composition.** (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE
26 GOVERNOR, THE COLORADO SECURE SAVINGS PLAN BOARD TO STUDY THE
27 FEASIBILITY OF CREATING THE COLORADO SECURE SAVINGS PLAN AS WELL

1 AS OTHER APPROACHES SPECIFIED IN SECTION 24-54.3-104 TO INCREASE
2 THE AMOUNT OF RETIREMENT SAVINGS BY COLORADO'S PRIVATE SECTOR
3 WORKERS.

4 (2) THE BOARD CONSISTS OF THE FOLLOWING NINE MEMBERS:

5 (a) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF STATE PLANNING
6 AND BUDGETING OR HIS OR HER DESIGNEE; AND

7 (b) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AND
8 CONFIRMED BY THE SENATE AS FOLLOWS:

9 (I) FOUR PUBLIC REPRESENTATIVES WITH EXPERTISE IN
10 INVESTMENT OR RETIREMENT SAVINGS PLAN ADMINISTRATION, INCLUDING
11 THE DAY-TO-DAY OPERATIONS OF PLANS, MAINTAINING INDIVIDUAL
12 ACCOUNTS, INVESTING ASSETS IN A RETIREMENT SAVINGS PLAN, AND
13 INDIVIDUAL FINANCIAL PLANNING;

14 (II) A REPRESENTATIVE OF EMPLOYERS;

15 (III) A REPRESENTATIVE OF EMPLOYEES;

16 (IV) A RETIRED COLORADO RESIDENT; AND

17 (V) A REPRESENTATIVE OF LOCAL GOVERNMENT.

18 (3) IN MAKING APPOINTMENTS TO THE BOARD, THE GOVERNOR
19 SHALL MAKE A CONCERTED EFFORT TO INCLUDE MEMBERS OF DIVERSE
20 POLITICAL, RACIAL, CULTURAL, INCOME, AND ABILITY GROUPS AND
21 MEMBERS FROM URBAN AND RURAL AREAS OF THE STATE. THE GOVERNOR
22 SHALL APPOINT BOARD MEMBERS AS SOON AS PRACTICABLE.

23 (4) THE MEMBERS SHALL ELECT FROM AMONG THEMSELVES A
24 CHAIRPERSON AND ANY OTHER OFFICERS AS MAY BE NECESSARY FOR THE
25 BOARD TO CARRY OUT ITS DUTIES AND RESPONSIBILITIES.

26 (5) A VACANCY IN THE TERM OF AN APPOINTED BOARD MEMBER
27 SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME

1 MANNER AS THE ORIGINAL APPOINTMENT.

2 (6) MEMBERS OF THE BOARD SHALL SERVE WITHOUT
3 COMPENSATION BUT MAY BE REIMBURSED FOR NECESSARY TRAVEL
4 EXPENSES INCURRED IN CONNECTION WITH THEIR BOARD DUTIES.

5 (7) MEMBERS SHALL SERVE FOR A MINIMUM OF TWO YEARS OR
6 UNTIL THE BOARD COMPLETES ITS REPORT TO THE GOVERNOR AND
7 GENERAL ASSEMBLY AS DESCRIBED IN SECTION 24-54.3-105.

8 (8) AN INDIVIDUAL SHALL NOT BE OR CONTINUE TO BE A MEMBER
9 OF THE BOARD IF THAT INDIVIDUAL HAS BEEN ADJUDICATED OF VIOLATING
10 ANY PROVISIONS OF THIS ARTICLE 54.3 OR HAS BEEN CONVICTED OF A
11 FELONY OR CRIME INVOLVING THE MISAPPROPRIATION OF FUNDS.

12 (9) THE MEMBERS OF THE BOARD, ANY OTHER AGENTS APPOINTED
13 OR ENGAGED BY THE BOARD, AND ALL PERSONS SERVING AS STAFF, SHALL
14 DISCHARGE THEIR DUTIES WITH RESPECT TO THE ANALYSES SOLELY IN THE
15 INTEREST OF THE STATE AND SHALL NOT ENGAGE IN ANY ACTIVITIES THAT
16 MIGHT RESULT IN A CONFLICT OF INTEREST WITH THEIR DUTIES AS
17 MEMBERS OF THE BOARD.

18 **24-54.3-104. Colorado secure savings plan - small business**
19 **marketplace plan.** (1) THE BOARD SHALL CONDUCT OR CAUSE TO BE
20 CONDUCTED DETAILED MARKET AND FINANCIAL ANALYSES TO DETERMINE
21 THE FINANCIAL FEASIBILITY AND EFFECTIVENESS OF CREATING A
22 RETIREMENT SAVINGS PLAN IN THE FORM OF AN AUTOMATIC ENROLLMENT
23 PAYROLL DEDUCTION IRA, TO BE KNOWN AS THE COLORADO SECURE
24 SAVINGS PLAN. FOR PURPOSES OF THE ANALYSES SPECIFIED IN THIS
25 SUBSECTION (1), THE PLAN WOULD NOT BE A DEFINED BENEFIT PLAN. THE
26 PLAN WOULD BE DESIGNED TO PROMOTE GREATER RETIREMENT SAVINGS
27 FOR PRIVATE SECTOR EMPLOYEES IN A CONVENIENT, LOW-COST, AND

1 PORTABLE MANNER AND WOULD ACHIEVE THE FOLLOWING:

2 (a) AUTOMATICALLY ENROLL PRIVATE SECTOR EMPLOYEES WHO
3 WORK FOR EMPLOYERS AS DEFINED IN SECTION 24-54.3-102 (3);

4 (b) AUTOMATICALLY ENROLL EMPLOYEES IN THE PLAN WITH A
5 CONTRIBUTION LEVEL OF FIVE PERCENT OF THEIR WAGES. EMPLOYEES MAY
6 OPT NOT TO PARTICIPATE IN THE PLAN OR MAY SELECT A DIFFERENT LEVEL
7 OF CONTRIBUTION.

8 (c) POOL INVESTMENT FUNDS, INVEST MONEY IN THE PLAN TO
9 ACHIEVE COST SAVINGS THROUGH EFFICIENCIES AND ECONOMIES OF
10 SCALE, AND MAKE OR ENTER INTO CONTRACTS WITH INVESTMENT
11 MANAGERS, PRIVATE FINANCIAL INSTITUTIONS, AND OTHER SERVICE
12 PROVIDERS TO INVEST FUNDS AND ADMINISTER THE PLAN;

13 (d) USE UP TO ONE PERCENT OF THE MONEY IN THE FUND FOR THE
14 FIRST FIVE YEARS OF OPERATIONS TO PAY FOR THE TOTAL COSTS INCURRED
15 IN STARTING UP AND OPERATING THE PLAN. IN THE SIXTH YEAR OF
16 OPERATION AND EACH YEAR THEREAFTER, USE UP TO THREE-QUARTERS OF
17 ONE PERCENT OF THE MONEY IN THE FUND TO PAY FOR THE COSTS OF
18 OPERATING THE FUND.

19 (e) IMPLEMENT PROCESSES THAT REDUCE THE ACTIONS REQUIRED
20 BY EMPLOYERS AND PROVIDE PAYMENT TO EMPLOYERS TO PAY FOR THE
21 INITIAL AND ONGOING ADMINISTRATIVE COSTS RELATED TO
22 IMPLEMENTING THE PLAN.

23 (2) (a) THE BOARD SHALL CONDUCT OR CAUSE TO BE CONDUCTED
24 DETAILED MARKET AND FINANCIAL ANALYSES TO DETERMINE THE
25 FINANCIAL FEASIBILITY AND EFFECTIVENESS OF A SMALL BUSINESS
26 MARKETPLACE PLAN TO INCREASE THE NUMBER OF COLORADO BUSINESSES
27 THAT OFFER RETIREMENT SAVINGS PLANS FOR THEIR EMPLOYEES. FOR

1 PURPOSES OF THE ANALYSES SPECIFIED IN THIS SUBSECTION (2), THE
2 MARKETPLACE PLAN WOULD BE VOLUNTARY FOR BOTH EMPLOYERS AND
3 EMPLOYEES, OPEN TO ALL EMPLOYEES AND EMPLOYERS WITH FEWER THAN
4 ONE HUNDRED EMPLOYEES, AND ADMINISTERED BY THE STATE
5 DEPARTMENT OF LABOR AND EMPLOYMENT.

6 (b) THE STATE DEPARTMENT OF LABOR AN EMPLOYMENT WOULD
7 BE REQUIRED TO DO THE FOLLOWING IN CONNECTION WITH THE
8 MARKETPLACE PLAN:

9 (I) CONTRACT WITH A PRIVATE FIRM TO CREATE AND OPERATE THE
10 MARKETPLACE WEBSITE;

11 (II) LIST PRODUCTS FROM PARTICIPATING FINANCIAL FIRMS ON THE
12 MARKETPLACE PROVIDED THEY OFFER AT LEAST ONE TARGET DATE FUND
13 AND ONE BALANCED FUND AND ARE APPROVED BY THE DIRECTOR OF THE
14 DEPARTMENT OF LABOR AND EMPLOYMENT; AND

15 (III) PROHIBIT FIRMS LISTING THEIR PRODUCTS ON THE
16 MARKETPLACE FROM CHARGING EMPLOYERS ANY ADMINISTRATIVE FEES
17 AND LIMIT THE FEES THEY CAN CHARGE EMPLOYEES ENROLLED IN THE
18 PLANS PURCHASED THROUGH THE MARKETPLACE TO NO MORE THAN ONE
19 PERCENT IN TOTAL ANNUAL ADMINISTRATIVE FEES.

20 (c) THE ANALYSES SPECIFIED IN THIS SUBSECTION (2) WOULD
21 INCLUDE:

22 (I) THE NUMBER OF EMPLOYERS LIKELY TO PURCHASE RETIREMENT
23 PLANS THROUGH THE MARKETPLACE;

24 (II) THE NUMBER OF EMPLOYEES LIKELY TO PARTICIPATE IN A
25 WORKPLACE RETIREMENT SAVINGS PLAN EITHER THROUGH A PLAN THEIR
26 EMPLOYER PURCHASES THROUGH THE MARKETPLACE OR A PLAN THEY
27 PURCHASE THROUGH THE MARKETPLACE INCLUDING INFORMATION ON:

1 (A) THE NUMBER OF EMPLOYEES WORKING FOR THE EMPLOYER
2 WHERE THE EMPLOYEE WORKS;

3 (B) THE INCOME OF THE EMPLOYEES PARTICIPATING IN THE PLANS
4 PURCHASED THROUGH THE MARKETPLACE; AND

5 (C) THE DEMOGRAPHICS OF THE EMPLOYEES PARTICIPATING IN THE
6 PLANS PURCHASED THROUGH THE MARKETPLACE.

7 (3) THE BOARD SHALL CONDUCT OR CAUSE TO BE CONDUCTED AN
8 ASSESSMENT OF THE EFFECTS THAT GREATER FINANCIAL EDUCATION
9 AMONG COLORADO RESIDENTS WOULD HAVE ON INCREASING THEIR
10 RETIREMENT SAVINGS INCLUDING:

11 (a) THE NUMBER OF COLORADANS THAT WOULD INCREASE THE
12 AMOUNT OF THEIR RETIREMENT SAVINGS AND THE AMOUNT OF INCREASE
13 IN RETIREMENT SAVINGS RELATED TO THE EFFECTS OF GREATER FINANCIAL
14 EDUCATION;

15 (b) THE DEMOGRAPHICS OF THE COLORADANS THAT WOULD
16 INCREASE THE AMOUNT OF THEIR RETIREMENT SAVINGS RELATED TO THE
17 EFFECTS OF GREATER FINANCIAL EDUCATION;

18 (c) THE TYPE OF FINANCIAL EDUCATION THAT IS MOST LIKELY TO
19 RESULT IN AN INCREASE IN THE AMOUNT OF COLORADANS' RETIREMENT
20 SAVINGS; AND

21 (d) THE PROVIDERS OF FINANCIAL EDUCATION THAT ARE MOST
22 LIKELY TO HAVE THE GREATEST EFFECT ON INCREASING THE AMOUNT OF
23 COLORADANS' RETIREMENT SAVINGS.

24 (4) THE BOARD SHALL CONDUCT OR CAUSE TO BE CONDUCTED AN
25 ANALYSIS ASSESSING THE EFFECTS THAT NOT INCREASING COLORADANS'
26 RETIREMENT SAVINGS WOULD HAVE ON CURRENT AND FUTURE STATE AND
27 LOCAL GOVERNMENT EXPENDITURES.

1 **24-54.3-105. Reports to the general assembly.** (1) THE BOARD
2 SHALL CONDUCT OR CAUSE TO BE CONDUCTED THE STUDIES AND
3 ANALYSES DESCRIBED IN SECTION 24-54.3-104, WITHIN TWO YEARS OF THE
4 APPOINTMENT OF THE BOARD'S MEMBERSHIP. THE BOARD SHALL SUBMIT
5 A PROGRESS REPORT TO THE GOVERNOR AND THE BUSINESS AFFAIRS AND
6 LABOR COMMITTEE IN THE HOUSE OF REPRESENTATIVES AND BUSINESS
7 AFFAIRS AND TECHNOLOGY COMMITTEE IN THE SENATE OR THEIR
8 SUCCESSOR COMMITTEES WITHIN ONE YEAR OF ITS CREATION.

9 (2) THE BOARD MAY ACCEPT ANY GIFTS, GRANTS, AND DONATIONS,
10 OR ANY MONEY FROM THE STATE, ANY UNIT OF FEDERAL, STATE, OR LOCAL
11 GOVERNMENT, OR ANY OTHER PERSON, FIRM, PARTNERSHIP, OR
12 CORPORATION THAT HAS OPERATIONS IN THE STATE TO PAY FOR THE COSTS
13 OF THE STUDIES DESCRIBED IN THIS ARTICLE 54.3.

14 (3) IF THE BOARD DOES NOT OBTAIN ADEQUATE MONEY TO
15 CONDUCT OR CAUSE TO BE CONDUCTED THE ANALYSES DESCRIBED IN
16 SECTION 24-54.3-104, THE BOARD MAY DELAY IMPLEMENTATION OF ONE
17 OR MORE OF THE ANALYSES.

18 (4) IF AFTER CONDUCTING OR CAUSING TO BE CONDUCTED THE
19 STUDIES DESCRIBED IN THIS ARTICLE 54.3 THE BOARD FINDS AND
20 DETERMINES THAT THERE ARE APPROACHES TO INCREASING RETIREMENT
21 SAVINGS FOR PRIVATE-SECTOR EMPLOYEES IN A CONVENIENT, LOW-COST,
22 AND PORTABLE MANNER, THAT ARE FINANCIALLY FEASIBLE AND
23 SELF-SUSTAINING, THE BOARD SHALL RECOMMEND TO THE GOVERNOR AND
24 GENERAL ASSEMBLY A PLAN TO IMPLEMENT ITS FINDINGS.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.