



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-0991 Date: February 27, 2018
Prime Sponsors: Sen. Gardner Bill Status: Senate Business
Rep. Lundeen Fiscal Analyst: Kerry White | 303-866-3469
Kerry.White@state.co.us

Bill Topic: PROHIBIT PAID UNION ACTIVITY BY PUBLIC EMPLOYEES

- Summary of Fiscal Impact:
- State Revenue (minimal)
- State Expenditure (minimal)
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

This bill prohibits the state and any of its political subdivisions from entering into an employment contract or agreement with any public employee or union to compensate any public employee or third party for union activities or the costs associated with participation in union activities. The bill may increase state revenue as well as state and local government workload and costs on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill. Note that while all agencies were canvassed for the fiscal note, not all agencies were able to respond with complete information within the time frame requested. This fiscal note should be considered preliminary; it will be updated if new information becomes available.

Summary of Legislation

This bill prohibits the state and any of its political subdivisions (public employer) from entering into an employment contract or agreement (employment bargain) with any public employee or union to compensate any public employee or third party for union activities or the costs associated with participation in union activities. It voids any existing employment bargains that include such provisions, and clarifies that a public employee is not prohibited from receiving compensated leave time for any personal purpose. The Attorney General is required to enforce the bill's provisions and any taxpayer of the jurisdiction where a violation occurs has standing to file an action in court to remedy the violation.

State Revenue

Beginning in the current FY 2017-18, this bill may increase state cash fund revenue if a taxpayer files a petition in court to remedy a violation of the bill's requirements. Generally the fee to file a petition is \$224. Assuming a high rate of compliance by public employers, any increase in revenue is likely to be minimal.

TABOR Refund

The bill may increase state revenue subject to TABOR by a minimal amount in the current FY 2017-18, FY 2018-19, and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in any of these years and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

Beginning in the current FY 2017-18, workload could increase for the Judicial Department if individuals chose to file petitions concerning any suspected violations of the bill's requirements. Workload may also increase for the Attorney General's Office in the Department of Law to enforce the bill's requirements. These impacts are assumed to be minimal, but if either department requires additional appropriations, they can be requested through the annual budget process. As of this writing, the fiscal note assumes that the state does not have any employment bargains that allow for compensation of union activities or pay the costs associated with union participation.

Local Governments, School Districts, Statutory Public Entities, and Special Districts

As of this writing, the fiscal note assumes there may be increased workload and costs to amend charters, ordinances, or contracts related to employee bargains. These impacts have not been estimated.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties	Information Technology	Judicial
Labor	Law	Legislative Council Staff
Municipalities	Personnel	