



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 18-175

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 27, 2018)

Drafting Number: LLS 18-0991
Prime Sponsors: Sen. Gardner
Rep. Lundeen

Date: March 30, 2018
Bill Status: House SVMA
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:

<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill prohibits the state and any of its political subdivisions, except home rule municipalities, 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 revised fiscal note reflects the reengrossed bill.

Summary of Legislation

This bill prohibits the state and any of its political subdivisions (public employer), except home rule municipalities, 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 FY 2018-19, 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

This bill increases state revenue from court fees, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

State Expenditures

Beginning in FY 2018-19, 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

The fiscal note assumes there may be increased workload and costs to amend charters, ordinances, or contracts related to employee bargains. As the only municipalities that have collective bargaining agreements are all home rule, the bill has no municipal impact. Impacts to other local governments have not been estimated.

Effective Date

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties	Information Technology	Judicial
Labor	Law	Legislative Council Staff
Municipalities	Personnel	