



**Legislative  
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**REVISED  
FISCAL NOTE**

(replaces fiscal note dated March 15, 2018)

**Drafting Number:** LLS 18-0477      **Date:** March 19, 2018  
**Prime Sponsors:** Sen. Tate; Priola      **Bill Status:** Senate Appropriations  
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**Bill Topic:** MODIFICATIONS TO PERA TO ELIMINATE UNFUNDED LIABILITY

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government and School District
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Statutory Public Entity

This bill makes modifications to the Colorado Public Employees' Retirement Association (PERA). It creates ongoing state revenue reductions, state and local expenditure and workload increases, and increases net revenue to PERA.

**Appropriation Summary:** For FY 2018-19, the bill requires an appropriation of \$200,000 to the Legislative Department.

**Fiscal Note Status:** The revised fiscal note reflects the introduced bill as amended by the Senate Finance Committee.

**Table 1  
State Fiscal Impacts Under SB 18-200**

		<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Revenue</b>	General Fund	(at least \$3.8 million)	(at least \$11.6 million)	(at least \$14.2 million)
	<b>Total</b>	<b>(at least \$3.8 million)</b>	<b>(at least \$11.6 million)</b>	<b>(at least \$14.2 million)</b>
<b>Expenditures</b>	General Fund	\$200,000		Not estimated.
	<b>Total</b>	<b>\$200,000</b>		
<b>Transfers</b>		-	-	-

**Summary of Legislation**

This bill makes several changes related to the Colorado Public Employees' Retirement Association (PERA). These are described in order of the bill.

**Change to number of years in the highest average salary calculation.** Under current law, the retirement benefit paid to a PERA member depends on his or her date of hire, years of service credit, and age at retirement, and is calculated using a percentage of the member's highest annual salary (HAS) over a period of time, including a base salary year. The bill changes the number of years factored into the HAS calculation for members who are not vested by or are hired on or after January 1, 2020, as shown in Table 2.

**Table 2  
 Highest Annual Salary Period Under SB 18-200 After Base Year**

<b>As of 1/1/20</b>	<b>All Divisions except Judicial</b>	<b>Judicial</b>
<b>Vested</b>	3 periods of 12 months	1 period of 12 months
<b>Not Vested or New Member</b>	7 periods of 12 months	3 periods of 12 months

**Salary definition.** The bill modifies the definition of salary so that pre-tax payroll deductions are counted towards salary, as is unused sick leave converted to cash payments. The bill clarifies that insurance premiums paid by employers are not counted as salary.

**Requirements for local government employers that terminate PERA affiliation.** The bill clarifies provisions related to a local government division employer that ceases operations or participation in PERA, so that when an employer has terminated its affiliation with PERA, it is the PERA board that determines the amount to be paid by that employer to fully fund its share of the unfunded liability of the defined benefit plan and of the health care trust fund. The board's determination may be appealed by the employer through the administrative review process established in PERA rule. The local government's employees become inactive members of PERA effective on the termination date, and may elect to have their member contributions credited to an alternative pension plan or refunded. In the absence of such election, the member contributions will remain with PERA.

**Increase in member contribution rates.** The bill increases the PERA employee contribution rates by the percentages shown in Table 3. These rates are multiplied by gross salary under the bill.

**Table 3  
 Phase-in of 3% Member Contribution Rate Increase Under SB 18-200**

	<b>State</b>	<b>Troopers</b>	<b>School</b>	<b>DPS</b>	<b>Local</b>	<b>Judicial</b>
<b>Current Law</b>	8.0%	10.0%	8.0%	8.0%	8.0%	8.0%
<b>As of 7/1/18</b>	8.5%	10.5%	8.5%	8.5%	8.5%	8.5%
<b>As of 1/1/19</b>	9.0%	11.0%	9.0%	9.0%	9.0%	9.0%
<b>As of 7/1/19</b>	10.0%	12.0%	10.0%	10.0%	10.0%	10.0%
<b>As of 1/1/20</b>	11.0%	13.0%	11.0%	11.0%	11.0%	11.0%

**Automatic contribution and cost of living rate adjustments.** Beginning January 1, 2020, the bill requires employee contribution rates and the cost of living adjustment (COLA) to remain unchanged unless triggered by certain circumstances, as shown in Table 4. These increased amounts rely on the following definitions in the bill:

- *"Weighted average"* means the most recent valuation of the proportion of unfunded actuarial accrued liability attributable to each division.
- *"Blended total contribution amount"* is the weighted average of the total amounts paid by employers and members to PERA by all divisions, not to include the portions of employer contributions remitted to the health care trust fund and the COLA reserve.
- *"Blended total required contribution"* is the weighted average of the total reported actuarially determined contribution rates and member contribution rates for PERA's trusts.

When the blended total contribution amount is less than 98 percent or more than 110 percent of the blended total actuarially required contribution, adjustments must be determined by PERA, equally apportioned, and be the maximum yearly adjustment allowed with certain exceptions. Adjustments may occur only once in a calendar year.

**Table 4**  
**Automatic Contribution and COLA Rate Adjustments Under SB 18-200**

***When the blended total contribution amount is less than 98% of the blended total actuarially required contribution:***

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COLA Rate	reduced up to 0.25%; not to be reduced to less than 0.5% total
Member Contribution Rate	increased up to 0.5%; not to exceed statutory contribution rates plus 2% total

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***When the blended total contribution amount is greater than or equal to 110% of the blended total actuarially required contribution:***

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COLA Rate	increased up to 0.25%; not to exceed 2% total
Member Contribution Rate	reduced up to 0.5%; not to be less than statutory contribution rates

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**Defined contribution supplement.** Beginning January 1, 2022, the bill requires an adjustment to each PERA division's employer contribution rates in order to include a "defined contribution supplement." The defined contribution supplement will be the amount that would have otherwise gone to the defined benefit trusts to pay down the unfunded liability, plus investment earnings on that amount, and will be made on behalf of employees who begin employment on or after January 1, 2020.

**Earned service credit for part-time work for new members.** The bill modifies the way service credit is earned for part-time work for PERA members who begin employment on or after January 1, 2020. These members earn a full year of service credit for 12 months of employment if the member works full time or works at least 8 months but less than 12 months in a year. However, if the member does not work full time, the earned service credit will be determined by the ratio of part-time work to full-time work and the number of months for which contributions are remitted to the number of months required for a year of service credit.

**Service retirement and reduced service retirement eligibility for new and current members.** For PERA members who begin employment on or after January 1, 2020, the bill modifies service retirement eligibility as shown in Table 5, and specifies that no contractual right

is created related to these age requirements. The bill also modifies the reduced service retirement eligibility as shown in Table 6. In addition, individuals, with the exception of state troopers, who are current PERA members as of December 31, 2019, must be the age specified on the table, plus one year for every four years that the member's age is less than 46 years on January 1, 2020, not to exceed 65 years for any member in order to be eligible for regular or reduced retirement.

**Table 5**  
**Service Retirement Eligibility Under SB 18-200**  
*for members hired on or after January 1, 2020*

Division	Years of Service Required to Retire at Any Age		Years of Service Required to Retire at a Specific Retirement Age		Years of Service Required to Retire at Age 65	
	Current Hires	SB 18-200	Current Hires	SB 18-200	Current Hires	SB 18-200
<b>State, Local, and Judicial</b>	35 years	40 years	Age 60, 30 years	No specific age	5 years	5 years
<b>Troopers</b>	30 years	35 years	Age 50, 25 years Age 55, 20 years	Age 55, 25 years	5 years	5 years
<b>School and DPS</b>	35 years	40 years	Age 58, 30 years	No specific age	5 years	5 years

**Table 6**  
**Reduced Service Retirement Eligibility Under SB 18-200**  
*for members hired on or after January 1, 2020*

	Current Law		SB 18-200	
	Age Requirement	Service Credit Requirement	Age Requirement	Service Credit Requirement
<b>All Divisions</b>	50 years old 55 years old 60 years old	25 years of service 20 years of service 5 years of service	55 years old 60 years old	25 years of service 5 years of service
<b>State Troopers</b>	50 years old	20 years of service	50 years old	20 years of service

**Cost of living adjustment.** The annual cost of living adjustment (COLA) for benefit recipients who began membership prior to January 1, 2007, is currently 2 percent. For the years 2018 and 2019, the bill reduces the COLA to 0 percent. For each year thereafter, the bill sets the COLA at 1.25 percent. This amount may be otherwise adjusted by the automatic adjustment provisions explained above. The bill also requires benefit recipients whose effective date of retirement is on or after January 1, 2011, and who have not received a COLA on or before May 1, 2018, to receive retirement benefits for at least three years following retirement before receiving a COLA adjustment.

**Defined contribution plan.** Currently, members in the state division hired after January 1, 2006, may elect to participate in PERA's defined contribution plan rather than its defined benefit plan. Under current law, a defined contribution account receives the monthly employer contribution, as outlined in Table 3 above, while the amortization equalization disbursement (AED) and supplemental amortization equalization disbursement (SAED) payments are credited to pay down the unfunded liability of the defined benefit plan. Beginning January 1, 2020, anyone hired

in the school, Denver Public Schools, local government, and judicial divisions may elect to participate in the defined contribution plan. An employee who elects the defined contribution plan will receive their full employee contribution amount, and the employer contribution amount under current law.

**Public Pension Legislative Oversight Committee.** The bill replaces the existing Police Officers' and Firefighters' Pension Reform Commission, a standing legislative interim committee, with the Public Pension Legislative Oversight Committee, which is required to study and develop proposed legislation relating to the funding and benefit designs of both PERA and the Fire and Police Pension Association. The committee is comprised of four senators appointed by the Senate President; four representatives appointed by the House Speaker; and four non-voting members appointed by the State Treasurer, who are experts in the area of pensions or retirement plan designs. The committee may commission an independent review of the economic and investment assumptions used to model the PERA financial situation every three years.

### State Revenue

**State income tax reduction — employee contribution rate.** The bill's increase in employee contributions and change in salary definition will reduce taxable income for PERA members, which will reduce state income tax collections. These estimated amounts are shown in Table 7 and use the state income tax rate of 4.63 percent and PERA's December 31, 2016, divisional payroll, which assumes a payroll growth rate of 3.5 percent per year.

**Table 7**  
**Reduction of State Income Tax Collection Under SB 18-200\***

<b>Fiscal Year</b>	<b>Total Impact from Employee Contribution Rate Increase for All Divisions</b>	<b>Total Impact from Change to Gross Salary Definition for All Divisions</b>	<b>Total Impact</b>
<b>FY 2018-19</b>	(\$3,100,000)	(\$700,000)	<b>(\$3,800,000)</b>
<b>FY 2019-20</b>	(\$10,700,000)	(\$900,000)	<b>(\$11,600,000)</b>
<b>FY 2020-21</b>	(\$13,200,000)	(\$1,000,000)	<b>(\$14,200,000)</b>

\* Totals have been rounded.

**State income tax reduction — COLA benefit.** In addition, the bill's highest annual salary calculation and COLA reduction will reduce benefit payments from the PERA trusts, which will also reduce state income tax collections. The future automatic adjustments, up to 2 percent, of the employee contribution rates will also reduce state income tax collections. These General Fund reductions have not been estimated.

### TABOR Impact

State revenue is not currently expected to exceed the TABOR limit in the current forecast period and no refund will be required; however, refunds in future years when the state next collects a TABOR refund obligation will be reduced.

**State Expenditures**

The bill will increase state General Fund expenditures by \$200,000 for the Legislative Department in FY 2018-19. In addition, the bill will have an impact on state employee contributions. State agency workload will increase to update payrolls to reflect new employee benefit rates and related information materials about PERA for employees. The bill may also require the state to increase its contribution rate to address defined contribution plan participation impacts on the defined benefit trusts beginning in 2022. These impacts are discussed below.

**Public Pension Legislative Oversight Committee.** The newly created committee is authorized to commission an independent review of the assumptions used to model PERA's financial situation, which the fiscal note estimates will be conducted in FY 2018-19 at a contract cost of \$200,000, and every three years thereafter. Legislative Department expenditures will increase for per diem and staffing costs related to the Public Pension Legislative Oversight Committee; however, because the new committee replaces an existing committee of the same size and scope, these costs continue an existing appropriation.

**State and judicial division employee contributions.** For informational purposes, total state division employee contributions are expected to increase by approximately \$26.7 million in FY 2018-19, \$80.9 million in FY 2019-20, and \$99.3 million in FY 2020-21, as shown in Table 8. This amount uses PERA's December 31, 2016, divisional payroll, with an assumed payroll growth rate of 3.5 percent per year. It includes all members of the state division, including employees of institutions of higher education who participate in PERA.

**Table 8  
 State and Judicial Division Impacts Under SB 18-200\***

<b>Year</b>	<b>Impact Type</b>	<b>State</b>	<b>Judicial</b>	<b>Total</b>
FY 2018-19	Employee Contribution Rate Increase	\$21,700,000	\$400,000	\$22,100,000
	Change in Gross Salary Definition Increase	\$5,000,000	\$100,000	\$5,100,000
<b>FY 2018-19 Totals</b>		<b>\$26,700,000</b>	<b>\$500,000</b>	<b>\$27,200,000</b>
FY 2019-20	Employee Contribution Rate Increase	\$74,600,000	\$1,300,000	\$75,900,000
	Change in Gross Salary Definition Increase	\$6,300,000	\$100,000	\$6,400,000
<b>FY 2019-20 Totals</b>		<b>\$80,900,000</b>	<b>\$1,400,000</b>	<b>\$82,300,000</b>
FY 2020-21	Employee Contribution Rate Increase	\$92,500,000	\$1,700,000	\$94,200,000
	Change in Gross Salary Definition Increase	\$6,800,000	\$100,000	\$6,900,000
<b>FY 2020-21 Totals</b>		<b>\$99,300,000</b>	<b>\$1,800,000</b>	<b>\$101,100,000</b>

\* Totals have been rounded.

**Automatic rate adjustments to employee contribution.** Beginning in the second half of FY 2019-20, the bill creates a mechanism in statute to automatically raise or lower the member contribution rates, as discussed in Table 4. If these adjustment mechanisms are triggered, member contributions may increase up to 0.5 percent per year, capped at an additional overall 2 percent. As such, the amounts discussed in the paragraph above may increase up to 2 percent in future years.

**Defined contribution supplement.** Beginning in the second half of FY 2021-22, the bill requires an adjustment to the employer contribution rate equal to the amount that would have otherwise gone to the defined benefit trusts to pay down the unfunded liability, plus any investment

earnings on that amount, that occur as a result of defined contribution plan elections by employees hired after January 1, 2020. This additional contribution is conditional on the financial health of the PERA trusts and has not been estimated.

**All state agencies.** All state agencies will have an increase in workload and costs to update employee information and process the new payroll deductions.

**Total compensation.** If the value of the state's retirement benefit is reduced in a future annual compensation report, state expenditures will increase. This potential impact has not been estimated.

**Impact on state employee behavior.** The fiscal note does not estimate any change to employee behavior related to retention and retirement as a result of the bill.

**Local Governments and Special Districts**

Similar to the state, the bill will increase expenditures for local governments.

**Background.** According to the most recent PERA comprehensive annual financial report, the local government division is comprised of 1 county, 27 municipalities, and 120 special districts.

**All local government agencies.** The bill's requirement to use the gross salary amount (which includes health- and transportation-related pre-tax deductions) to calculate the PERA benefit is effective upon signature of the Governor, which will create a workload increase in the current FY 2017-18.

**Local government division employee contributions.** For informational purposes, total local government division employee contributions are expected to increase by approximately \$6.0 million in FY 2018-19, \$18.1 million in FY 2019-20, and \$22.3 million in FY 2020-21, as shown in Table 9. This amount uses PERA's December 31, 2016, divisional payroll, which assumes a payroll growth rate of 3.5 percent per year. It includes all members of the state division, including employees of institutions of higher education who participate in PERA.

**Table 9  
 Local Government Division Impacts Under SB 18-200\***

Year	Impact Type	Amount
FY 2018-19	Employee Contribution Rate Increase	\$4,900,000
	Change in Gross Salary Definition Increase	\$1,100,000
	<b>FY 2018-19 Total</b>	<b>\$6,000,000</b>
FY 2019-20	Employee Contribution Rate Increase	\$16,700,000
	Change in Gross Salary Definition Increase	\$1,400,000
	<b>FY 2019-20 Total</b>	<b>\$18,100,000</b>
FY 2020-21	Employee Contribution Rate Increase	\$20,800,000
	Change in Gross Salary Definition Increase	\$1,500,000
	<b>FY 2020-21 Total</b>	<b>\$22,300,000</b>

\*Totals have been rounded.

**Local government examples.** The impact of the local government employee contribution increase will vary by the size of the local government and its number of employees. The fiscal note highlights three examples that are representative of a large, medium-sized, and small local government. The amounts shown reflect calendar years.

*Boulder County — large.* Boulder County employees will contribute an additional \$700,000 in CY 2018, \$2.8 million in CY 2019, and \$4.2 million in FY 2020.

*Colorado Springs — medium.* City of Colorado Springs employees will contribute an additional \$400,000 in CY 2018, \$1.5 million in CY 2019, and \$2.6 million in CY 2020.

*Alamosa — small.* City of Alamosa employees will contribute an additional \$8,300 in CY 2018 and \$24,000 in CY 2019. Alamosa's CY 2020 figures were not available as of this writing.

**School Districts**

Similar to state and local governments, the bill will increase expenditures for school districts.

**Background.** There are 178 school districts in the state; 177 of which comprise the school division in PERA. Denver Public Schools merged its retirement system with PERA in 2009, and has its own PERA trust as a result.

**All school districts.** The bill's requirement to use the gross salary amount (which includes health- and transportation-related pre-tax deductions) to calculate the PERA benefit is effective upon signature of the Governor, which will create a workload increase in the current FY 2017-18.

**School division employee contributions.** For informational purposes, total school division employee contributions are expected to increase by approximately \$42.8 million in FY 2018-19, \$129.7 million in FY 2019-20, and \$159.4 million in FY 2020-21, as shown in Table 10. This amount uses PERA's December 31, 2016, divisional payroll, which assumes a payroll growth rate of 3.5 percent per year, and does not include Denver Public Schools.

**Table 10**  
**School Division Impacts Under SB 18-200\***

<b>Year</b>	<b>Impact Type</b>	<b>Amount</b>
FY 2018-19	Employee Contribution Rate Increase	\$34,700,000
	Change in Gross Salary Definition Increase	\$8,100,000
<b>FY 2018-19 Total</b>		<b>\$42,800,000</b>
FY 2019-20	Employee Contribution Rate Increase	\$119,700,000
	Change in Gross Salary Definition Increase	\$10,000,000
<b>FY 2019-20 Total</b>		<b>\$129,700,000</b>
FY 2020-21	Employee Contribution Rate Increase	\$148,500,000
	Change in Gross Salary Definition Increase	\$10,900,000
<b>FY 2020-21 Total</b>		<b>\$159,400,000</b>

\* Totals have been rounded.



**Denver Public Schools.** For informational purposes, total Denver Public School division employee contributions are expected to increase by approximately \$9.3 million in FY 2018-19, \$23.5 million in FY 2019-20, and \$28.5 million in FY 2020-21, as shown in Table 11. Contribution rate increase impacts use Denver Public Schools' covered payroll projections for each calendar year calculated to match fiscal years, and assume growth of 3.04 percent in CY 2018 and 3.5 percent each year thereafter. Net to gross salary increases are based on actual FY 2017-18 totals through February 2018, with projections for remainder of the fiscal year, and a 7 percent expense increase for each year thereafter.

**Table 11**  
**Denver Public Schools Division Impacts Under SB 18-200\***

<b>Year</b>	<b>Impact Type</b>	<b>Amount</b>
FY 2018-19	Employee Contribution Rate Increase	\$5,400,000
	Change in Gross Salary Definition	\$3,900,000
<b>FY 2018-19 Total</b>		<b>\$9,300,000</b>
FY 2019-20	Employee Contribution Rate Increase	\$18,400,000
	Change in Gross Salary Definition	\$5,100,000
<b>FY 2019-20 Total</b>		<b>\$23,500,000</b>
FY 2020-21	Employee Contribution Rate Increase	\$22,800,000
	Change in Gross Salary Definition	\$5,700,000
<b>FY 2020-21 Total</b>		<b>\$28,500,000</b>

\* Totals have been rounded.

**PERACare.** Defined contribution plan participants are not eligible for the disability, survivorship, and retiree health care benefits that defined benefit plan participants are eligible for; however, defined contribution plan members may enroll in PERACare, PERA's health insurance plan. If local employers elect to offer this benefit to defined contribution plan participants, their costs will increase. These impacts have not been estimated.

**Statutory Public Entity Impact**

The bill will increase revenue to the PERA trusts, with the exception of its health care trusts.

**Projected actuarial funded status for PERA's trusts.** The bill reduces the estimated amortization periods necessary to eliminate the unfunded actuarial accrued liability in all of PERA's trusts, as shown in Table 12. These amounts use 2016 valuations.

**Table 12**  
**PERA's Unfunded Liability Under SB 18-200**

<b>Division</b>	<b>Amortization Period Under Current Law</b>	<b>Amortization Period Under SB 18-200</b>
State	57 years	27 years
School	77 years	28 years
Local Government	54 years	16 years
Judicial	53 years	21 years
Denver Public Schools	55 years	23 years

**Cost of living adjustment impact.** The bill's adjustment to the COLA payment is expected to reduce PERA benefit payments by \$92.2 million in FY 2018-19 and \$65.5 million in FY 2019-20. This estimate uses an annualized January 2018 benefit payroll and applies 0 percent increase in 2018 and 2019, and 1.25 percent increase for 2020. The impact to future PERA benefit payments as a result of the three-year timeout for benefit recipients whose effective date of retirement is on or after January 1, 2011, and who have not received a COLA on or before May 1, 2018, has not been estimated.

**Automatic rate adjustments.** The fiscal note has not estimated the potential revenue increase to PERA's trusts from the automatic COLA, employer, and employee rate contributions as of this writing.

**Defined contribution supplement.** Beginning in 2022, PERA will annually calculate an additional employer contribution rate to be paid by each division to supplement the amount that would have otherwise gone to the defined benefit trusts to pay down the unfunded liability, plus any investment earnings on that amount, that occur as a result of defined contribution plan elections for employees hired after January 1, 2020. The potential additional contribution is conditional on the financial health of the PERA trusts. Because of this mechanism, any impact to PERA's trusts resulting from members electing the defined contribution plan will be offset by the defined contribution supplement paid by each division.

**Impact on the PERA health care trust funds.** The defined contribution election will have a negative impact on the PERA health care trust funds. PERA assumes, based on state division participation, that 12 percent of division employees will elect the defined contribution plan, which will result in an extended amortization period for these divisional health care trust funds. The fiscal note has not estimated this decrease.

### **State Appropriations**

The bill requires a General Fund appropriation of \$200,000 to the Legislative Department in FY 2018-19.

### **Effective Date**

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

**State and Local Government Contacts**

All State, Local, and Statutory Agencies