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## State Government

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During the 2017 legislative session, the General Assembly considered measures related to state agencies and employees, state procurement, the Colorado Public Employees' Retirement Association, the General Assembly, the Office of the State Auditor, the Colorado Open Records Act, charitable gaming and solicitations, and firearms.

### State Agencies and Employees

*House Bill 17-1296* clarifies the criteria and requirements for the assignment of a state-owned motor vehicle to a state agency or to an officer or employee of a state agency based on recommendations from the November 2016 *Commuting Use of State-Owned Vehicles* performance audit conducted by the Office of the State Auditor.

*Senate Bill 17-150* would have prohibited public officials from appointing, employing, promoting, advancing, or advocating for a relative within the state agency in which they serve or control. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

Colorado law recognizes ten legal holidays, including Columbus Day. *House Bill 17-1327* would have replaced Columbus Day with a floating paid holiday during the month of October for state employees. The bill was postponed indefinitely by the House Local Government Committee.

In most circumstances, *House Bill 17-1013* would have prevented any state action,

including state and local laws, ordinances, policies, rules, regulations, or other actions by a government or public official that may burden a person's exercise of religion. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

### State Procurement

The state procurement code governs the purchase of goods and services by most public entities in Colorado. The code is designed to ensure the fair treatment of people seeking to do business with the state, to foster broad-based competition through a bidding process, and to save money on purchases made with state funds. House Bill 16-1451 directed the Department of Personnel and Administration to convene a working group to study ways to improve the state procurement code. Prior to that, the procurement code had not been comprehensively reviewed since its adoption in 1982. *House Bill 17-1051* reflects the findings of the working group and makes a number of changes to the code, many of which codify, clarify, or simplify existing practices.

*House Bill 17-1300* would have required contractors employed on public projects expected to cost more than \$500,000, and not funded with federal dollars, to use apprentices enrolled in a registered apprenticeship program for at least 25 percent of the project workforce in apprenticeable occupations, or to make a good faith effort to do so. The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

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### Colorado Public Employees' Retirement Association

The Colorado Public Employees' Retirement Association (PERA) provides retirement and other benefits to the employees of more than 500 government agencies and public entities in the state, including state and local government employees, public school teachers, and judges. PERA is a substitute for Social Security for most of these public employees. Benefits are pre-funded, which means while a member is working, he or she is required to contribute a fixed percentage of his or her salary to the retirement trust funds. Employers also contribute a percentage of pay to the trust funds. The trust funds are then invested by PERA under the direction of the Board of Trustees. The General Assembly considered several bills related to PERA during the 2017 legislative session.

*House Bill 17-1176* allows rural school districts to hire certain PERA retirees without any reduction in the benefits the retiree receives from PERA, if certain conditions are met.

*House Bill 17-1265* increases the total employer contribution for employers in the judicial division of PERA.

*Senate Bill 17-113* would have required that the total employer contribution rates for PERA employers in the 2018 calendar year are the maximum total employer contribution rates for future calendar years. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

In addition to setting minimum salary amounts for assistant district attorneys, chief deputy district attorneys, and deputy district attorneys, *Senate Bill 17-185* would have allowed the board of county commissioners of the counties in a judicial district to make a one-time irrevocable election to require any assistant district attorney in the judicial district hired after the election to become a member of PERA. The bill was postponed indefinitely by the Senate Finance Committee.

*Senate Bill 17-158* would have modified the composition of PERA's 16-member Board of Trustees. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

The State Treasurer is a member of the PERA Board of Trustees. PERA's nonstatutory governance manual addresses the information a PERA board member can and cannot access for purposes of fulfilling his or her duties. *House Bill 17-1114* would have authorized the State Treasurer to review all records or information within the custody and control of PERA upon request. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

### General Assembly

In 2017, the General Assembly considered several measures addressing operational matters of the legislature. *House Bill 17-1113* allows legislators to participate electronically in interim committee meetings, but prohibits legislators who are participating electronically from voting on matters before the committee. The Executive Committee of the Legislative Council was charged with developing a policy for electronic participation in interim committee meetings.

The Colorado Constitution currently requires members of the General Assembly to be at least 25 years of age. *Senate Concurrent Resolution 17-001* places a question on the 2018 statewide ballot to lower the minimum age to 21.

*Senate Bill 17-304* eliminates the repeal of the Joint Technology Committee (JTC). The bill adds to the authority of the JTC the ability to request information and presentations about data privacy and cybersecurity and to coordinate with the Colorado Cybersecurity Council. The JTC must review and make recommendations to the General Assembly about legislation related to data privacy and cybersecurity. The Governor's Office of State Planning and Budgeting must work with JTC staff each year to create instructions for

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executive branch agencies to follow when preparing IT budget requests.

For legislative terms commencing on or after 2019, legislator salaries will be set based on a formula involving the salaries of county court judges. Assuming that the county judge salary level grows by 2.5 percent in FY 2018-19, all members of the General Assembly will earn a base salary of \$40,046 beginning in January 2019. *Senate Bill 17-288* would have altered the manner by which base salaries are set for legislators serving in the 2025 legislative session and thereafter to a base salary adjusted for inflation as calculated by the director of research of the Legislative Council. The bill was postponed indefinitely by the House Appropriations Committee.

The Colorado Constitution requires that the General Assembly convene no later than the second Wednesday in January, and that regular legislative sessions not exceed 120 days. Under legislative rules, legislators are limited to introducing five bills during a legislative session, with some exceptions. *House Concurrent Resolution 17-1001* would have referred a question to the voters in 2018 to change to the constitution related to the operation of the General Assembly, including shortening the legislative session and further limiting the number of bills and resolutions a legislator could introduce. The resolution was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

*House Resolution 17-1007* would have prohibited legislative measures from including an individual's name unless the individual or the individual's personal or family representative provided written permission. The resolution was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

State law and legislative rules require a fiscal note be prepared for each bill considered by the General Assembly. The fiscal note is a statement prepared by the nonpartisan Legislative Council Staff of the estimated present and future fiscal implications of a piece of pending legislation. In addition to the fiscal

note, *House Bill 17-1191* would have required Legislative Council Staff to prepare a demographic note for select bills. The demographic note would have outlined the potential disparate effects of a bill on various populations within the state by race, gender, disability, age, geography, income, or other relevant characteristics for which data are available. The bill was postponed indefinitely by the Senate Finance Committee.

### Office of the State Auditor

The Office of the State Auditor (OSA) is the nonpartisan agency in Colorado's legislative branch that provides performance, financial, and IT audits to the General Assembly, agencies, and the public. *House Bill 17-1005* modernized laws relating to the OSA, including removing obsolete provisions.

*House Bill 17-1223* directs the OSA to establish and administer a fraud hotline to allow people to report allegations of fraud committed by a state employee or state contracted individual. Prior to the passage of the bill, the OSA operated a fraud hotline, but could only pursue fraud reports within the scope of its audit authority. Under the bill, a state agency that receives a referral about fraud from the OSA is responsible for taking appropriate action in response to the referral and reporting back to the OSA. At the request of a state agency, the OSA can either participate in or conduct an investigation of a hotline call.

### Colorado Open Records Act

The Colorado Open Records Act (CORA) creates a presumption in favor of public access to government documents and defines public records to include all writings made, maintained, or kept by the state, any agency, institution, political subdivision of the state, local government-financed entity, or nonprofit corporation incorporated by a state-supported higher education institution's governing board. *House Bill 17-1177* lengthens the mandatory waiting period between a denial of a records request and the filing of a motion in district court

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from 3 days to 14 days. It requires that during the 14-day period, the custodian who has denied the request either meet with the requester or speak with him or her by phone to attempt to resolve the dispute outside of court.

*Senate Bill 17-040* modifies CORA with respect to digital or electronic records. For public records stored in a digital format that are neither searchable nor sortable, custodians must provide records in a digital format. For digital records that are searchable but not sortable, custodians must provide them in a searchable format. For digital records that are sortable but not searchable, custodians must provide them in a sortable format. The bill outlines circumstances where a custodian does not have to provide records in a searchable or sortable format.

*House Bill 17-1029* would have allowed a state entity to deny requests under CORA for records that contain confidential personal information. Confidential personal information includes a person's home address, phone number, social security number, birth date, bank account information, tax identification number, personal signature, personal email address, or similar unique information other than the person's name. The bill would have clarified that CORA provisions allowing a custodian of public records to deny access to civil or administrative investigation records, or records related to trade secrets or other confidential information, also apply to the Judicial Branch. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

### Charitable Gaming and Solicitations

*Senate Bill 17-232* continues the Bingo-Raffle Advisory Board and the regulation of bingo, raffle, and other games by the Secretary of State's Office through September 1, 2024. The bill implements the Department of Regulatory Agencies' sunset report recommendations and relocates the statutes concerning bingo-raffle regulation from Title 12 to Title 24 of the Colorado Revised Statutes, as part of the Title 12 recodification process.

Under the Colorado Charitable Solicitations Act, charitable organizations are required to register with the Department of State and disclose financial reports and the names and addresses of any paid solicitors or professional fundraising consultants acting on behalf of the organization. *House Bill 17-1158* modified the Colorado Charitable Solicitations Act related to charitable organizations registrations.

### Firearms

The General Assembly considered several bills regarding the use and regulation of firearms in 2017. The following bills were all postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

*Senate Bill 17-116* would have allowed anyone 21 years of age or older who is legally allowed to possess a handgun to carry a concealed handgun without a permit in most circumstances.

*Senate Bill 17-005* and *House Bill 17-1036* would have both allowed a person with a concealed carry permit to carry a concealed handgun on public school premises.

*Senate Bill 17-006* would have lowered the age requirement to obtain a concealed carry permit from 21 to 18 years of age for active duty and honorably discharged U.S. military personnel, including National Guard members.

*House Bill 17-1037* would have added businesses to the locations that may be defended with deadly physical force if an owner, manager, or employee reasonably believes that the intruder is committing, has committed, or intends to commit a crime other than the unlawful entry and that the intruder might use physical force against the occupant.

*Senate Bill 17-007* and *House Bill 17-1097* would have repealed the prohibition on the sale, transfer, and possession of large-capacity ammunition magazines, as well as the requirement that a magazine manufactured in Colorado have a permanent stamp or marking indicating it was produced after July 1, 2013.