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## State Government

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During the 2018 legislative session, the General Assembly considered measures related to state agencies and employees, boards and commissions, the Colorado Public Employees' Retirement Association, the General Assembly, the Colorado Open Records Act, and firearms.

### State Agencies and Employees

*House Bill 18-1138* and *Senate Bill 18-242* both address standardizing the language and administration of the oaths and affirmations taken by public officials.

Starting on November 1, 2019, *House Bill 18-1430* directs state agencies to develop four-year long-range financial plans that must be updated and presented every year when agencies submit their budget requests. The plans may include descriptions of the agency's major functions, the agency's performance goals, information about any federal funding the agency receives, and other elements outlined in the bill.

### Boards and Commissions

*House Bill 18-1198* requires each statutorily created board or commission, except for special purpose authorities, to implement written policies or bylaws and obtain annual training on matters including identifying and managing conflicts of interest, understanding the

requirements of the Colorado Open Records Act, and reviewing management practices to ensure best practices are utilized.

In cases where the Senate rejected an individual's nomination to a state board or commission, *Senate Bill 18-043* would have prohibited the Governor from renominating that individual for the same position. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

The Colorado Civil Rights Division (CCRD) and Colorado Civil Rights Commission (CCRC) in the Department of Regulatory Agencies enforce Colorado's anti-discrimination laws in the areas of employment, housing, and public accommodations. *House Bill 18-1256* continues the CCRD and CCRC through September 1, 2027. The bill requires the State Auditor to complete performance audits of the CCRD and CCRC by December 15, 2019, and December 15, 2024. The bill adjusts the composition of the CCRC to include representatives of small businesses, statewide organizations representing business and industry, and employee associations that represent workers. The bill modifies the parameters around the political party affiliation of CCRC members, and prohibits a person from serving on the CCRC for two years, if the person's nomination was rejected by the state Senate.

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*House Bill 18-1324* codifies the existing Governor's Commission on Community Service, which was originally created by executive order in 1993. The bill places the commission in the Office of the Lieutenant Governor. It outlines the commission membership and specifies the duties of the commission to include recommending to the Governor a three-year comprehensive national and community service plan for the state; assisting in the development of service grant programs; and developing projects, training methods, curriculum, and materials related to national service programs.

### 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 bills related to PERA during the 2018 legislative session.

*Senate Bill 18-200* made modifications to PERA that affect current members, current retirees, employers, and future members. The changes for current members include increasing the member contribution rate and adjusting the definition for highest average salary. For current retirees, the changes include increasing the working retiree contribution rate and

suspending annual cost-of-living increases for two years. For employers, the changes include increasing the employer contribution rate and changing factors that are included in the definition of salary. For future members, the changes include increasing eligibility requirements, altering the highest average salary calculation, and extending to certain new employees the ability to select a defined contribution plan instead of PERA's defined benefit plan.

For all retirees, current members, and future members, *Senate Bill 18-200* sets the annual cost-of-living increase at 1.5 percent, but future members must wait three years for their first increase. The definition of state trooper is expanded to include county sheriffs and other safety officers starting on January 1, 2020. The state treasurer is directed to make an annual allocation of \$255 million to PERA from the state's General Fund. The bill expands the existing Police Officers' and Firefighters' Pension Reform Commission to include oversight of PERA and creates a subcommittee that is focused on PERA.

*House Bill 18-1111* would have modified the composition of the PERA board and allowed PERA board members to review all records and information within the custody and control of PERA, if certain conditions were met. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

### General Assembly

In 2018, the General Assembly considered several measures addressing operational matters of the legislature.

The General Assembly referred two measures to the voters regarding the redistricting process. If approved by voters at the 2018 general election, *Senate Concurrent Resolution 18-004* will

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create the Independent Congressional Redistricting Commission, which is charged with amending and approving congressional district maps drawn by nonpartisan legislative staff. Similarly, if approved by voters at the 2018 general election, *Senate Concurrent Resolution 18-005* will replace the Colorado Reapportionment Commission with the Independent Legislative Redistricting Commission, which is charged with amending and approving state legislative district maps drawn by nonpartisan legislative staff. Both measures outline the process for selecting commission members, requirements for transparency and ethics, procedures for judicial review of commission maps, and criteria the commissions must use for drawing maps.

For the first time in over 100 years, the House of Representatives expelled a representative under the powers granted in Section 12 of Article V of the Colorado Constitution by the adoption of *House Resolution 18-1005*.

*Senate Bill 18-116* would have allowed members of the public to enter legislative buildings, including the State Capitol, through public entrances, without submitting to a search by security personnel if they were issued a Capitol identification access card. The bill would have established the process for obtaining a Capitol identification access card and the related fees for the card. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

In 2010, the General Assembly established a performance-based budgeting program through the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act, setting forth budgeting requirements for state departments and specifying the role of legislative committees of reference in the state budgeting process. *House Bill 18-1229* would have modified this process, including changing the

deadlines outlined in the SMART Government Act, expanding the role of the Joint Budget Committee (JBC) liaisons assigned to the joint committees of reference, and requiring the JBC staff to provide budget analyses to the joint committees of reference. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

### 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. Under CORA, records related to sexual harassment complaints are not open records; except to a person making a sexual harassment complaint and the subject of the complaint. Currently, the Judicial Department is exempt from CORA, but is subject to the Public Access to Administrative Records of the Judicial Branch rule that is similar to CORA. *House Bill 18-1152* makes the judicial department subject to the sexual harassment provisions of CORA until May 1, 2021.

### Firearms

The General Assembly considered several bills regarding the use and regulation of firearms in 2018.

*House Bill 18-1077* enhances the sentence for second degree burglary from a class 4 felony to a class 3 felony if the objective of the burglary is the theft of a firearm or ammunition.

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The following bills were all postponed indefinitely by the House State, Veterans, and Military Affairs Committee.

*Senate Bill 18-097* 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.

*House Bill 18-1037* would have allowed a person with a concealed carry permit to carry a concealed handgun on public school premises.

*Senate Bill 18-185* and *House Bill 18-1074* 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 unlawful entry and that the intruder might use physical force against the occupant.

*Senate Bill 18-052* and *House Bill 18-1015* 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.

Additionally, the following bills concerning firearms were postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee.

*Senate Bill 18-051* would have made possessing, selling, or purchasing a "multi-burst trigger activator," which is often referred to as a bump stock, a class 4 or 5 felony depending on the circumstances.

*House Bill 18-1436* would have created court procedures to require an individual to surrender any firearms in his or her possession if the court issues an extreme risk protection

order. This bill was frequently referred to as a "red flag laws."