

CHAPTER 354

GOVERNMENT - STATE

HOUSE BILL 04-1449

BY REPRESENTATIVE(S) Rhodes;
also SENATOR(S) Tupa, Kester, and Tapia.

AN ACT

CONCERNING THE AUTHORITY OF THE STATE PERSONNEL DIRECTOR TO ESTABLISH THE GROUP BENEFIT PLAN YEAR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-50-104 (4) (c), (4) (d), and (4) (e), Colorado Revised Statutes, are amended to read:

24-50-104. Job evaluation and compensation - repeal. (4) **Annual compensation process.** (c) By August 1, 2003, and by August 1 of each year thereafter, the state personnel director shall submit the annual compensation report and recommendations and estimated costs for state employee compensation for the next fiscal year, covering salaries, state contributions for group benefit plans, and performance awards, to the governor and the joint budget committee of the general assembly. The recommendations shall reflect a consideration of the results of the annual compensation survey, fiscal constraints, the ability to recruit and retain state employees, appropriate adjustments with respect to state employee compensation, and those costs resulting from implementation of section 24-50-110 (1) (a). THE RECOMMENDATIONS FOR STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS SHALL SPECIFY THE ANNUAL GROUP BENEFIT PLAN YEAR ESTABLISHED PURSUANT TO SECTION 24-50-604 (1) (m). The annual compensation report shall include the results of the surveys of public or private employers and jobs for prevailing total compensation and the reasons for any deviation from prevailing total compensation in the recommendations submitted to the governor and the joint budget committee. The state personnel director shall also publish such report.

(d) (I) For fiscal years commencing prior to the 2003-04 fiscal year, the recommended changes to salaries shall be effective on July 1 of the ensuing fiscal year unless the general assembly, acting by bill, establishes a different effective date

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

for that fiscal year or the governor orders otherwise pursuant to section 24-50-109.5 and such order is adopted by the general assembly through a joint resolution declaring a fiscal emergency and approved by the governor in accordance with section 39 of article V of the Colorado constitution.

(II) FOR THE 2003-04 AND 2004-05 BUDGET YEARS, to the extent such changes are funded, the recommended changes in state contributions for group benefit plans and any adjustments to the recommended changes made by the general assembly in the annual general ~~appropriations~~ APPROPRIATION act for the next fiscal year shall be effective January 1 of the next fiscal year. FOR THE 2005-06 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, TO THE EXTENT SUCH CHANGES ARE FUNDED, THE RECOMMENDED CHANGES IN STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE NEXT FISCAL YEAR SHALL BE EFFECTIVE ON THE FIRST DAY OF THE ANNUAL GROUP BENEFIT PLAN YEAR ESTABLISHED PURSUANT TO SECTION 24-50-604 (1) (m).

(III) For the 2003-04 fiscal year and ~~every~~ EACH fiscal year thereafter, to the extent such changes are funded, the recommended changes in state employee salaries and any adjustments to the recommended changes made by the general assembly in the annual general ~~appropriations~~ APPROPRIATION act for the fiscal year following the fiscal year for which the recommendations were made shall be effective on July 1 of the fiscal year following the fiscal year for which the recommendations were made, and the recommended changes in state employee performance awards and any adjustments to the recommended changes made by the general assembly in the annual general ~~appropriations~~ APPROPRIATION act for the next fiscal year shall be effective July 1 of the next fiscal year, unless:

(A) The general assembly, acting by bill, establishes a different effective date for that fiscal year; or

(B) The governor orders otherwise pursuant to section 24-50-109.5.

(e) The provisions of ~~subparagraph (H)~~ SUBPARAGRAPH (III) of paragraph (d) of this subsection (4) shall not apply to teachers employed by the Colorado school for the deaf and blind and compensated pursuant to section 22-80-106.5, C.R.S. Nothing in ~~subparagraph (H)~~ SUBPARAGRAPH (III) of paragraph (d) of this subsection (4) shall be construed to affect the salary increases that such teachers receive in the 2003-04 fiscal year and any fiscal year thereafter pursuant to the salary schedule, salary policy, or combination salary schedule and salary policy adopted pursuant to section 22-63-401, C.R.S., by the school district in which the Colorado school for the deaf and blind is located.

SECTION 2. 24-50-604 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-50-604. Powers and duties of the director. (1) The director shall administer and manage the state employees group benefit plans and, subject to the provisions of this part 6, has the following powers and duties:

(m) THE AUTHORITY TO ESTABLISH THE ANNUAL GROUP BENEFIT PLAN YEAR FOR

THE PLAN YEAR COMMENCING IN THE NEXT FISCAL YEAR.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 28, 2004