

CHAPTER 147

GOVERNMENT - STATE

HOUSE BILL 06-1256

BY REPRESENTATIVE(S) Buescher, Plant, and Hall;
also SENATOR(S) Keller, Tapia, and Owen.

AN ACT

**CONCERNING MODIFICATIONS TO CERTAIN PROVISIONS OF TOTAL COMPENSATION FOR EMPLOYEES
IN THE STATE PERSONNEL SYSTEM.**

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

SECTION 1. 24-50-104 (4) (d) (I), (4) (d) (III), and (4) (e), Colorado Revised Statutes, are amended, and the said 24-50-104 (4) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-50-104. Job evaluation and compensation. (4) Annual compensation process. (d) (I) For fiscal years commencing prior to the 2003-04 fiscal year AND AFTER THE 2003-04 FISCAL YEAR, the recommended changes to salaries AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION ACT shall be effective on July 1 of the ensuing fiscal year unless the general assembly, acting by bill, establishes a different effective date 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.

(III) ~~For the 2003-04 fiscal year and 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 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 appropriation act for the next fiscal year shall be effective July 1 of the next fiscal~~

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

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.~~

(IV) THE STATE PERSONNEL DIRECTOR, IN PREPARING THE ANNUAL COMPENSATION REPORT AND SUBMITTING RECOMMENDATIONS AND ESTIMATED COSTS FOR STATE EMPLOYEE COMPENSATION FOR THE NEXT FISCAL YEAR, PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (4), AND IN IMPLEMENTING ANY CHANGES TO STATE EMPLOYEE COMPENSATION SHALL ENSURE THAT FOR THE 2003-04 FISCAL YEAR NO STATE EMPLOYEE RECEIVE THE RECOMMENDED CHANGES IN EMPLOYEE SALARIES IN THE ANNUAL COMPENSATION RECOMMENDATIONS FOR CHANGES TO SALARIES AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATION ACT.

~~(e) The provisions of subparagraph (HH) 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 (HH) 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. 24-50-603 (5), Colorado Revised Statutes, is amended to read:

24-50-603. Definitions. As used in this part 6, unless the context otherwise requires:

(5) "Dependent" means:

(a) An employee's legal spouse; each unmarried child, including adopted children, stepchildren, and foster children, through the end of the ~~calendar year~~ MONTH in which the child turns nineteen years of age, for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage; each unmarried child nineteen years of age, through the end of the ~~calendar year~~ MONTH in which that child is no longer a full-time student in an educational or vocational institution, but no longer than through the end of the month in which the full-time student turns twenty-four years of age, and for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage; or an unmarried child of any age who has either a physical or mental disability, as defined by the carrier, not covered under other government programs, and for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage.

(b) ANY PERSON AUTHORIZED BY THE DIRECTOR TO BE A DEPENDENT IN RESPONSE TO STATUTORY CHANGES MADE TO MANDATED COVERAGE FOR GROUP BENEFITS INSURANCE PURSUANT TO TITLE 10, C.R.S. THE DIRECTOR SHALL SPECIFY ANY

ADDITIONAL DEPENDANTS BY RULE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.

SECTION 3. 24-52-205 (2) (b), Colorado Revised Statutes, is amended to read:

24-52-205. Participation. (2) (b) Any employee who is an eligible employee before January 1, 2006, and who is a member or inactive member of the association may, as long as ~~such~~ THE employee is employed in an eligible position, make a written election during the ~~month of January~~ ANNUAL OPEN ENROLLMENT PERIOD FOR THE STATE EMPLOYEES GROUP BENEFIT PLAN of any year to participate in the defined contribution plan in which the employee is eligible to participate pursuant to the provisions of this part 2. THE WRITTEN ELECTION SHALL BE EFFECTIVE THE FIRST DAY OF THE ANNUAL STATE EMPLOYEES GROUP BENEFIT PLAN YEAR ESTABLISHED PURSUANT TO SECTION 24-50-604 (1) (m). In the absence of such written election, such person shall be a member of the association.

SECTION 4. 24-52-206 (2) (a), Colorado Revised Statutes, is amended to read:

24-52-206. Public employees' retirement association. (2) (a) Any eligible employee who becomes an eligible employee before January 1, 2006, and who participates in a defined contribution plan established pursuant to this part 2 may terminate future contributions to such plan and instead participate in the association by making a written election during the ~~month of January~~ ANNUAL OPEN ENROLLMENT PERIOD FOR THE STATE EMPLOYEE GROUP BENEFIT PLAN of any year. THE WRITTEN ELECTION SHALL BE EFFECTIVE ON THE FIRST DAY OF THE ANNUAL STATE EMPLOYEE GROUP BENEFIT PLAN YEAR, ESTABLISHED PURSUANT TO SECTION 24-50-604 (1) (m). Any such election to participate in the association shall be in writing and shall be filed with the association and with such eligible employee's employer.

SECTION 5. Effective date. This act shall take effect July 1, 2006.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 24, 2006