

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0898.01 Troy Bratton

HOUSE BILL 10-1410

HOUSE SPONSORSHIP

Rice,

SENATE SPONSORSHIP

Steadman,

House Committees

Business Affairs and Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE STATE TREASURER TRANSMIT**
102 **MONEYS APPROPRIATED TO DEPARTMENTS OF STATE**
103 **GOVERNMENT THAT ARE UNEXPENDED AND UNENCUMBERED AT**
104 **THE END OF A FISCAL YEAR TO THE STATE EMPLOYEE PAYDAY**
105 **SHIFT FUND SO THAT THE MONEYS MAY BE USED TO PAY**
106 **SALARIES IN JUNE FOR WORK PERFORMED BY STATE EMPLOYEES**
107 **DURING THE MONTH OF JUNE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

http://www.leg.state.co.us/bills/summaries.)

Currently, state employees are paid on the first working day in July of each year for work performed during the month of June. The bill requires the state treasurer to transfer any general fund moneys appropriated to all principal departments in the executive branch of state government and all offices and agencies in the legislative and judicial departments that are unexpended and unencumbered at the end of the fiscal year to the state employee payday shift fund (fund) created in the bill.

The moneys in the fund are appropriated by the general assembly to the departments, offices, and agencies and are first used to pay the salaries of state employees who are paid on a biweekly basis. Next, any remaining moneys in the fund are used to pay the salaries of state employees who are paid on a monthly basis. Departments, offices, and agencies fulfill their payroll obligations in this manner until all payroll obligations of the respective departments, offices, and agencies for work performed in June are paid in June rather than the first working day in July.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The 2003 payday shift contained in section 24-50-104 (8),
5 Colorado Revised Statutes, which requires salaries for positions in the
6 state personnel system for the month of June to be paid on the first
7 working day of July, presents a significant personal burden to state
8 employees, especially those employees who are paid on a biweekly basis;

9 (b) State employees who are paid on a biweekly basis typically are
10 the lowest-paid state employees and, as such, are the employees who can
11 least afford a significant delay in the receipt of their paychecks;

12 (c) The 2003 payday shift presents an administrative burden to
13 state departments and the state controller; and

14 (d) House Bill 10-____ will allow the state to begin reversing the

1 2003 payday shift over time, beginning with state employees who are paid
2 on a biweekly basis.

3 **SECTION 2.** The introductory portion to 24-50-104 (8) (a),
4 24-50-104 (8) (a) (I) and (8) (a.5), and the introductory portion to
5 24-50-104 (8) (a.6), Colorado Revised Statutes, are amended, and the said
6 24-50-104 (8) is further amended BY THE ADDITION OF **THE**
7 **FOLLOWING NEW PARAGRAPHS**, to read:

8 **24-50-104. Job evaluation and compensation. (8) Payroll -**
9 **fund created.** (a) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS
10 SUBSECTION (8), salaries for positions in the state personnel system paid
11 on a monthly basis shall be paid as of the last working day of the month;
12 except that:

13 (I) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION
14 (8), salaries for the month of June shall be paid on the first working day
15 of July; and

16 (a.5) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION
17 (8), for state employment positions that are not in the state personnel
18 system and that are not otherwise covered by paragraph (a) of this
19 subsection (8), salaries paid on a monthly basis for the month of June
20 shall be paid on the first working day of July.

21 (a.6) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION
22 (8), for state employment positions that are not otherwise covered by
23 paragraph (a) or (a.5) of this subsection (8), whether or not such positions
24 are in the state personnel system:

25 (e) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
26 EFFECTIVE JUNE 30 OF STATE FISCAL YEAR 2010-11, AND FOR THE JUNE 30
27 OF EACH STATE FISCAL YEAR THEREAFTER, THE STATE TREASURER SHALL

1 TRANSFER AN AMOUNT EQUAL TO ANY UNEXPENDED AND UNENCUMBERED
2 GENERAL FUND MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY FOR
3 THE STATE FISCAL YEAR TO EACH PRINCIPAL DEPARTMENT OF THE
4 EXECUTIVE BRANCH OF STATE GOVERNMENT AND TO THE [REDACTED] [REDACTED]
5 JUDICIAL DEPARTMENT, AND EACH OFFICE OR AGENCY THEREOF, FROM THE
6 GENERAL FUND TO THE STATE EMPLOYEE PAYDAY SHIFT FUND, WHICH
7 FUND IS HEREBY CREATED IN THE STATE TREASURY AND REFERRED TO IN
8 THIS PARAGRAPH (e) AS THE "FUND".

9 (II) THE MONEYS IN THE FUND SHALL BE SUBJECT TO
10 APPROPRIATION BY THE GENERAL ASSEMBLY IN THE FOLLOWING MANNER:

11 (A) BEGINNING WITH STATE FISCAL YEAR 2011-12 AND FOR EACH
12 STATE FISCAL YEAR THEREAFTER, MONEYS SHALL FIRST BE APPROPRIATED
13 TO SATISFY GENERAL FUND PAYROLL OBLIGATIONS OF THE DEPARTMENTS,
14 OFFICES, AND AGENCIES IDENTIFIED IN SUBPARAGRAPH (I) OF THIS
15 PARAGRAPH (e) FOR SALARIES PAID ON A BIWEEKLY BASIS TO STATE
16 EMPLOYEES FOR ANY WORK PERFORMED DURING THE MONTH OF JUNE OF
17 THE STATE FISCAL YEAR;

18 (B) BEGINNING WITH STATE FISCAL YEAR 2011-12 AND FOR EACH
19 STATE FISCAL YEAR THEREAFTER, ANY MONEYS REMAINING IN THE FUND
20 AFTER THE APPROPRIATION MADE PURSUANT TO SUB-SUBPARAGRAPH (A)
21 OF THIS SUBPARAGRAPH (II) SHALL BE APPROPRIATED TO SATISFY ANY
22 EXISTING GENERAL FUND PAYROLL OBLIGATIONS OF THE DEPARTMENTS,
23 OFFICES, AND AGENCIES IDENTIFIED IN SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH (e) FOR SALARIES PAID ON A MONTHLY BASIS TO STATE
25 EMPLOYEES FOR ANY WORK PERFORMED DURING THE MONTH OF JUNE OF
26 THE STATE FISCAL YEAR. IN MAKING THE APPROPRIATION SPECIFIED IN
27 THIS SUB-SUBPARAGRAPH (B), THE GENERAL ASSEMBLY SHALL DETERMINE

1 IN THE ANNUAL GENERAL APPROPRIATION ACT WHICH DEPARTMENTS,
2 OFFICES, OR AGENCIES SHALL RECEIVE MONEYS FOR GENERAL FUND
3 SALARIES PAID ON A MONTHLY BASIS.

4 (III) ANY REMAINING PAYROLL OBLIGATIONS OF A DEPARTMENT,
5 OFFICE, OR AGENCY THAT ARE NOT PAID WITH UNEXPENDED AND
6 UNENCUMBERED MONEYS PURSUANT TO THIS PARAGRAPH (e) ON THE LAST
7 WORKING DAY IN JUNE SHALL BE PAID BY THE DEPARTMENT, OFFICE, OR
8 AGENCY ON THE FIRST WORKING DAY IN JULY OF THE NEXT STATE FISCAL
9 YEAR.

10 (IV) IF A DEPARTMENT, OFFICE, OR AGENCY TYPICALLY PAYS A
11 PORTION OF ITS PAYROLL OBLIGATIONS WITH MONEYS FROM A FUND OTHER
12 THAN THE GENERAL FUND, THE DEPARTMENT, OFFICE, OR AGENCY SHALL
13 PAY SUCH PORTION OF THE PAYROLL OBLIGATIONS AT THE SAME TIME IT
14 PAYS PAYROLL OBLIGATIONS FROM MONEYS IN THE GENERAL FUND.

15 (V) IF A DEPARTMENT, OFFICE, OR AGENCY PAYS ALL OF ITS
16 PAYROLL OBLIGATIONS WITH MONEYS FROM A FUND OTHER THAN THE
17 GENERAL FUND, THE DEPARTMENT, OFFICE, OR AGENCY SHALL CONTINUE
18 TO PAY ITS EMPLOYEES ON THE REGULARLY SCHEDULED PAY DATE
19 NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (e).

20 (VI) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
21 OF THIS PARAGRAPH (e) MAY BE INVESTED BY THE STATE TREASURER AS
22 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
23 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
24 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
25 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
26 THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
27 GENERAL FUND OR ANY OTHER FUND.

1 (f) (I) EFFECTIVE JUNE 30 OF STATE FISCAL YEAR 2010-11, AND
2 FOR THE JUNE 30 OF EACH STATE FISCAL YEAR THEREAFTER, THE STATE
3 TREASURER SHALL TRANSFER AN AMOUNT EQUAL TO ANY UNEXPENDED
4 AND UNENCUMBERED GENERAL FUND MONEYS APPROPRIATED BY THE
5 GENERAL ASSEMBLY FOR THE STATE FISCAL YEAR TO THE LEGISLATIVE
6 DEPARTMENT, AND EACH SERVICE AGENCY THEREOF, FROM THE GENERAL
7 FUND TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION
8 2-2-1601, C.R.S.; EXCEPT THAT MONEYS OTHERWISE RESERVED OR
9 PREVIOUSLY TRANSFERRED BY THE ANNUAL GENERAL APPROPRIATION ACT
10 FOR THE LEGISLATIVE DEPARTMENT SHALL NOT BE SUBJECT TO SUCH A
11 TRANSFER.

12 (II) ANY MONEYS TRANSFERRED TO THE LEGISLATIVE
13 DEPARTMENT CASH FUND PURSUANT TO SUBPARAGRAPH (I) OF THIS
14 PARAGRAPH (f) SHALL BE USED FOR THE SAME PURPOSES OF AND IN THE
15 SAME MANNER AS ANY MONEYS TRANSFERRED PURSUANT TO PARAGRAPH
16 (e) OF THIS SUBSECTION (8).

17 (III) ANY MONEYS IN THE LEGISLATIVE DEPARTMENT CASH FUND
18 NOT EXPENDED PURSUANT TO THIS PARAGRAPH (f) AND REMAINING IN THE
19 FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND
20 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
21 OTHER FUND. ONCE THE PURPOSES OF PARAGRAPH (e) HAVE BEEN
22 ACCOMPLISHED, ANY MONEYS REMAINING IN THE FUND MAY BE EXPENDED
23 BY THE LEGISLATIVE DEPARTMENT AS SPECIFIED IN SECTION 2-2-1601,
24 C.R.S.

25 (g) UPON A DETERMINATION BY THE STATE TREASURER THAT
26 SUFFICIENT MONEYS HAVE BEEN TRANSFERRED TO PAY ALL STATE
27 EMPLOYEE SALARIES ON THE LAST WORKING DAY OF JUNE FOR WORK

1 PERFORMED DURING THE MONTH OF JUNE, THE STATE TREASURER SHALL
2 CEASE THE TRANSFERS REQUIRED BY PARAGRAPHS (e) AND (f) OF THIS
3 SUBSECTION (8) AND SHALL TRANSFER ANY MONEYS REMAINING IN THE
4 STATE EMPLOYEE PAYDAY SHIFT FUND TO THE GENERAL FUND.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.