

Colorado Legislative Council Staff Fiscal Note
**STATUTORY PUBLIC ENTITY
 CONDITIONAL FISCAL IMPACT**

Drafting Number: LLS 12-0940
Prime Sponsor(s): Sen. Lambert
 Rep. Swalm

Date: April 26, 2012
Bill Status: Senate SVMA
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING PUBLIC ACCESS TO CERTAIN INFORMATION REGARDING THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: Upon voter approval at the 2012 general election.		
Appropriation Summary for FY 2012-2013: None.		
Statutory Public Entity Impact: Increase, upon voter approval at the 2012 general election.		

Summary of Legislation

This concurrent resolution submits a ballot measure concerning the Public Employees' Retirement Association (PERA) to voters at the 2012 general election to amend Article XVIII of the Colorado Constitution. If approved, it requires that official and informal meetings of the board of trustees be open to the public when a quorum is present. It also deems most publications, documents, and related materials to be public records and open for inspection. The following are excluded from the definition of a public record, and therefore not subject to inspection:

- personnel files and related information maintained because of the employer-employee relationship, except for employment applications and agreements, performance ratings, reports, or compensation;
- work product, including materials assembled for the benefit of elected officials and those prepared by other entities in order to comply with specified reporting requirements; and
- information regarding real estate and other investments prior to the completion of a transaction.

Statutory Public Entity Expenditures

If the ballot measure is approved by voters, meetings of PERA trustees are required to be open to the public if a quorum of members is present. In addition, many of the associations' records are to be opened for public inspection upon request. To the extent that open records requests are received by PERA, staff and legal costs will increase to respond to requests and ensure that no laws are violated. As it is not known how many and the nature of the requests that will be received, it is not possible to determine the increase in costs. However, it should be noted that administrative costs for the association are distributed among all of the division trusts.

Election Expenditure Impacts (For Informational Purposes Only)

This concurrent resolution refers a measure to the voters at the November 2012 general election. This measure will be published in newspapers and an analysis of the measure will be included in the Blue Book mailed to all registered voter households prior to the election. Under current law, costs for these functions will be paid through a General Fund line item in the Long Appropriations Bill. Table 1 below identifies the anticipated costs for the 2012 Blue Book.

Table 1. Cost to Produce and Distribute the 2012 Blue Book to All Registered Voter Households	
Printing	\$400,000
Postage	\$450,000
Translation	\$20,000
Newspaper Publication (English & Spanish)	\$500,000
Total Cost (14 issues)	\$1,370,000
Average Cost per Issue	\$97,857

Departments Contacted

Public Employees' Retirement Association