

Ballot Title Setting Board**Proposed Initiative 2007-2008 #53¹**

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning deductions from governmental payroll systems, and, in connection therewith, prohibiting a governmental payroll system from taking a payroll deduction from any government employee except deductions required by federal law, tax withholdings, judicial liens and garnishments, deductions for individual or group health benefits or other insurance, deductions for pension or retirement plans or systems, or other savings or investment programs, and charitable deductions.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning deductions from governmental payroll systems, and, in connection therewith, prohibiting a governmental payroll system from taking a payroll deduction from any government employee except deductions required by federal law, tax withholdings, judicial liens and garnishments, deductions for individual or group health benefits or other insurance, deductions for pension or retirement plans or systems, or other savings or investment programs, and charitable deductions?

Hearing January 2, 2008:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 10:15 a.m.

¹ Unofficially captioned "Limitation on Public Payroll Deductions" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

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7:11 P.M.
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Final Text #53

**ELECTIONS
SECRETARY OF STATE**

ARTICLE XXX

Ethical Standards for Public Payroll Systems

Be it Enacted by the People of the State of Colorado:

THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE ADDITION OF A NEW ARTICLE TO READ:

SECTION 1. PURPOSE AND FINDINGS. IN THE INTEREST OF ADVANCING SIMPLE, ETHICAL, AND EFFICIENT GOVERNMENT, THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT PUBLIC PAYROLL SYSTEMS SHOULD NOT BE UTILIZED TO BENEFIT PRIVATE ORGANIZATIONS AND SPECIAL INTERESTS EXCEPT IN ACCORDANCE WITH THIS ARTICLE. THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT THE REQUIREMENTS OF THIS ARTICLE MUST APPLY TO ALL PUBLIC EMPLOYERS, INCLUDING ALL LOCAL GOVERNMENTS AND POLITICAL SUBDIVISIONS OF THE STATE.

SECTION 2. DEFINITIONS. (1) "CHARITABLE DEDUCTION" MEANS A PAYROLL DEDUCTION FOR CONTRIBUTION TO A CHARITY OR OTHER ORGANIZATION EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501 (C) (3) OF THE "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(2) "PUBLIC EMPLOYEE" MEANS ANY PERSON WHO IS AN EMPLOYEE OF A PUBLIC EMPLOYER AS DEFINED IN THIS ARTICLE.

(3) "PUBLIC EMPLOYER" MEANS THE STATE OF COLORADO, INCLUDING ANY INSTITUTIONS OF HIGHER EDUCATION; ANY COLORADO LOCAL GOVERNMENTAL ENTITY, INCLUDING CITIES, TOWNS, CITIES AND COUNTIES, AND COUNTIES; AND ANY AND ALL OTHER GOVERNMENTAL ENTITIES, INCLUDING SCHOOL DISTRICTS AND POLITICAL SUBDIVISIONS OF THE STATE OF COLORADO. PUBLIC EMPLOYER SHALL NOT INCLUDE ANY FOREIGN COUNTRY, THE FEDERAL GOVERNMENT, THE GOVERNMENT OF ANY OTHER STATE, OR ANY ENTITIES AND SUBDIVISIONS ORGANIZED UNDER FEDERAL LAW OR UNDER THE LAWS OF SUCH OTHER STATES OR FOREIGN COUNTRIES. PUBLIC EMPLOYER SHALL NOT INCLUDE ANY PRIVATE ENTITY PROVIDING SERVICES TO A PUBLIC EMPLOYER THROUGH SUCH PRIVATE ENTITIES' OWN EMPLOYEES AND CONTRACTORS.

(4) "PUBLIC PAYROLL SYSTEM" MEANS THE PAYROLL SYSTEM USED BY ANY PUBLIC EMPLOYER FOR PAYMENT OF WAGES, EARNINGS, OR OTHER COMPENSATION TO PUBLIC EMPLOYEES, REGARDLESS OF WHETHER SUCH SYSTEM IS ADMINISTERED DIRECTLY BY SUCH PUBLIC EMPLOYER OR BY A THIRD PARTY PURSUANT TO A CONTRACT OR OTHER ARRANGEMENT WITH SUCH PUBLIC EMPLOYER.

SECTION 3. ALLOWABLE PUBLIC PAYROLL DEDUCTIONS. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PUBLIC PAYROLL SYSTEM SHALL TAKE ANY PAYROLL DEDUCTION FROM THE PAYROLL COMPENSATION OF ANY PUBLIC EMPLOYEE EXCEPT FOR THE FOLLOWING:

- (A) DEDUCTIONS REQUIRED BY FEDERAL LAW, INCLUDING BY WAY OF EXAMPLE BUT NOT LIMITATION, FOR SOCIAL SECURITY AND MEDICARE;
- (B) TAX WITHHOLDINGS;

- (C) JUDICIAL LIENS AND GARNISHMENTS, INCLUDING COURT-ORDERED CHILD SUPPORT, DOMESTIC SUPPORT, AND MAINTENANCE OBLIGATIONS AND PAYMENTS;
- (D) DEDUCTIONS FOR INDIVIDUAL OR GROUP HEALTH BENEFITS OR OTHER INSURANCE;
- (E) DEDUCTIONS FOR PENSION OR RETIREMENT PLANS OR SYSTEMS, OR OTHER SAVINGS OR INVESTMENT PROGRAMS; AND
- (F) CHARITABLE DEDUCTIONS.

SECTION 4. SELF-EXECUTING, SEVERABILITY, CONFLICTING PROVISIONS. ALL PROVISIONS OF THIS ARTICLE ARE SELF-EXECUTING AND SEVERABLE, AND SHALL SUPERSEDE CONFLICTING STATE CONSTITUTIONAL, STATE STATUTORY, LOCAL CHARTER, ORDINANCE, OR RESOLUTION, AND OTHER STATE AND LOCAL PROVISIONS.

SECTION 5. EFFECTIVE DATE. THE PROVISIONS OF THIS ARTICLE SHALL TAKE EFFECT UPON THE PROCLAMATION OF THE GOVERNOR.