

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 18-121

BY SENATOR(S) Tate, Martinez Humenik, Moreno, Zenzinger, Crowder;
also REPRESENTATIVE(S) Arndt, Hooton, McKean, Thurlow.

CONCERNING CERTAIN EXPENSES ALLOWED TO A STATE EMPLOYEE WHEN
THE EMPLOYEE IS REQUIRED TO CHANGE HIS OR HER PLACE OF
RESIDENCE IN CONNECTION WITH A CHANGE IN JOB DUTIES.

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

SECTION 1. Legislative declaration. The general assembly declares that the purpose of Senate Bill 18-121, enacted in 2018, is to correct a defect in the law by clarifying section 24-50-134, Colorado Revised Statutes, concerning moving and relocation expenses for certain employees in the state personnel system. The general assembly further declares that the addition of such clarifying language to section 24-50-134, Colorado Revised Statutes, ensures that such moving and relocation expense provisions are administered in compliance with federal law.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact, with amendments,** 24-50-134 as follows:

24-50-134. Moving and relocation expenses. (1) WHEN AN EMPLOYEE IN THE STATE PERSONNEL SYSTEM IS REQUIRED BY ANY

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

APPOINTING AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A PROMOTION OR FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES, TO CHANGE HIS OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE ALLOWED HIS OR HER MOVING EXPENSES INCURRED BY REASON OF SUCH CHANGE OF RESIDENCE. MOVING EXPENSES MAY INCLUDE THE REASONABLE EXPENSES OF MOVING HOUSEHOLD GOODS AND PERSONAL EFFECTS AND THE REASONABLE COSTS OF TRAVELING TO THE EMPLOYEE'S NEW RESIDENCE. ANY REIMBURSEMENT PURSUANT TO THIS SUBSECTION (1) SHALL BE MADE IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE CONTROLLER AND IN COMPLIANCE WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

(2) WHEN AN EMPLOYEE IS REQUIRED BY ANY APPOINTING AUTHORITY, BECAUSE OF A CHANGE IN ASSIGNMENT OR A PROMOTION OR FOR ANY OTHER REASON RELATED TO HIS OR HER DUTIES, TO CHANGE HIS OR HER PLACE OF RESIDENCE, SUCH EMPLOYEE SHALL BE ALLOWED RELOCATION EXPENSES IN THE FORM OF A PER DIEM ALLOWANCE UP TO A MAXIMUM OF THIRTY DAYS FOR NECESSARY EXPENSES INCURRED WHILE RELOCATING A PERMANENT RESIDENCE. THE EMPLOYEE MAY CHOOSE TO EXCLUDE INTERRUPTIONS CAUSED BY SICK LEAVE, VACATION, OTHER AUTHORIZED LEAVE OF ABSENCE, OR ORDERED TRAVEL. THE RATES OF REIMBURSEMENT FOR RELOCATION EXPENSES SHALL NOT EXCEED THE RATES FIXED BY EXECUTIVE ORDER. ANY PER DIEM PAYMENTS MADE PURSUANT TO THIS SUBSECTION (2) SHALL BE IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE CONTROLLER AND IN COMPLIANCE WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

(3) THE STATE CONTROLLER SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE 24, FOR THE IMPLEMENTATION OF THIS SECTION. SUCH RULES SHALL BE IN ACCORDANCE WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE AND SHALL INCLUDE THE FOLLOWING:

(a) THE CIRCUMSTANCES UNDER WHICH AN EMPLOYEE IS ELIGIBLE TO CLAIM MOVING EXPENSES AND RELOCATION EXPENSES PURSUANT TO THIS SECTION;

(b) THE NATURE OF MOVING EXPENSES AND RELOCATION EXPENSES THAT A STATE EMPLOYEE MAY CLAIM PURSUANT TO THIS SECTION;

(c) THE MAXIMUM AMOUNT OF MOVING EXPENSES AN EMPLOYEE MAY CLAIM PURSUANT TO THIS SECTION; AND

(d) ANY OTHER RULES DEEMED NECESSARY BY THE STATE CONTROLLER FOR THE ADMINISTRATION OF THIS SECTION IN COMPLIANCE WITH THE REGULATIONS OF THE FEDERAL INTERNAL REVENUE SERVICE.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO