

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0511.01 Yelana Love x2295

SENATE BILL 19-188

SENATE SPONSORSHIP

Winter and Williams A., Bridges, Court, Danielson, Donovan, Fenberg, Fields, Ginal, Gonzales, Lee, Moreno, Pettersen, Todd, Foote, Rodriguez, Story

HOUSE SPONSORSHIP

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Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

Finance
Appropriations

HOUSE
3rd Reading Unamended
April 30, 2019

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A FAMILY AND MEDICAL LEAVE**
102 **INSURANCE PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **CREATING AN IMPLEMENTATION PLAN FOR A FAMILY AND**
104 **MEDICAL LEAVE INSURANCE PROGRAM AND MAKING AN**
105 **APPROPRIATION.**

HOUSE
Amended 2nd Reading
April 29, 2019

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 <http://leg.colorado.gov>.)

SENATE
3rd Reading Unamended
April 25, 2019

The bill creates the family and medical leave insurance (FAMLI) program and the division of family and medical leave insurance (division)

SENATE
Amended 2nd Reading
April 24, 2019

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

in the department of labor and employment to provide partial wage replacement benefits to an eligible individual who takes leave from work:

- ! To care for a new child or a family member with a serious health condition;
- ! Because the eligible individual is unable to work due to the individual's own serious health condition or because the individual or a family member is the victim of abusive behavior; or
- ! Due to certain needs arising from a family member's active duty service.

Each employee and employer in the state will pay one-half the cost of a premium as specified in the bill, which premium is based on a percentage of the employee's yearly wages. The premiums are deposited into the family and medical leave insurance fund, and family and medical leave benefits are paid to eligible individuals from the fund. The division is established as an enterprise, and premiums paid into the fund are not considered state revenues for purposes of the taxpayer's bill of rights (TABOR).

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

2 **SECTION 1. In Colorado Revised Statutes, add part 3 to article**
3 **13.3 of title 8 as follows:**

4 **PART 3**

5 **FAMILY AND MEDICAL LEAVE IMPLEMENTATION**

6 **8-13.3-301. Legislative declaration. (1) THE GENERAL**
7 **ASSEMBLY HEREBY FINDS AND DECLARES THAT:**

8 **(a) COLORADO IS A FAMILY-FRIENDLY STATE, AND PROVIDING THE**
9 **WORKERS OF COLORADO WITH FAMILY AND MEDICAL LEAVE INSURANCE**
10 **WILL ENCOURAGE AN ENTREPRENEURIAL ATMOSPHERE AND ECONOMIC**
11 **GROWTH AND PROMOTE A HEALTHY BUSINESS CLIMATE;**

12 **(b) THE UNITED STATES IS THE ONLY INDUSTRIALIZED NATION IN**
13 **THE WORLD THAT DOES NOT MANDATE ACCESS TO PAID LEAVE BENEFITS.**
14 **SIMULTANEOUSLY, NEARLY HALF OF AMERICANS LIVE**
15 **PAYCHECK-TO-PAYCHECK AND ARE UNABLE TO ACCESS TWO THOUSAND**

1 DOLLARS IN THE EVENT OF AN EMERGENCY.

2 (c) THIS PART 3 PREPARES FOR THE IMPLEMENTATION OF A PAID
3 FAMILY AND MEDICAL LEAVE PROGRAM IN THE STATE BY COMPLETING A
4 THOROUGH ANALYSIS OF PAID FAMILY AND MEDICAL LEAVE PROGRAMS BY
5 EXPERTS IN THE FIELD, THE ESTABLISHMENT OF A FAMILY AND MEDICAL
6 LEAVE IMPLEMENTATION TASK FORCE, AND ACTUARIAL AND THIRD-PARTY
7 STUDIES.

8 (d) AS SPECIFIED IN THIS PART 3:

9 (I) THE TIMELINE FOR THE ANALYSIS AND IMPLEMENTATION OF A
10 STATEWIDE PAID FAMILY AND MEDICAL LEAVE PROGRAM IS AS FOLLOWS:

11 (A) BY JULY 1, 2019, APPOINTING AUTHORITIES ARE REQUIRED TO
12 MAKE THEIR APPOINTMENTS TO THE TASK FORCE;

13 (B) BY OCTOBER 1, 2019, THE DEPARTMENT IS REQUIRED TO
14 PROVIDE THE TASK FORCE WITH THE RESULTS OF A THIRD-PARTY STUDY
15 AND PAID FAMILY AND MEDICAL LEAVE PLAN RECOMMENDATIONS FROM
16 THE EXPERTS IN THE FIELD; AND THE TASK FORCE IS REQUIRED TO ACCEPT
17 AND CONSIDER PUBLIC COMMENT REGARDING THE ADMINISTRATION AND
18 ESTABLISHMENT OF A PAID FAMILY AND MEDICAL LEAVE PROGRAM;

19 (C) BY NOVEMBER 1, 2019, THE TASK FORCE SHALL MAKE ITS
20 INITIAL RECOMMENDATION ON A FAMILY AND MEDICAL LEAVE PROGRAM
21 FOR EMPLOYEES IN THE STATE AND PROVIDE THE RECOMMENDATION TO AN
22 ACTUARY CONTRACTED BY THE DEPARTMENT;

23 (D) BY DECEMBER 1, 2019, AN INDEPENDENT ACTUARIAL
24 ANALYSIS MUST BE COMPLETED AND SUBMITTED TO THE TASK FORCE;

25 (E) BY JANUARY 8, 2020, THE TASK FORCE SHALL REPORT ITS
26 FINAL RECOMMENDATION ON A PAID FAMILY AND MEDICAL LEAVE
27 PROGRAM FOR ALL EMPLOYEES IN THE STATE;

- 1 (II) THE TIMELINE MAY ALSO BE ASSUMED AS FOLLOWS:
- 2 (A) BY JULY 1, 2020, THE FAMILY AND MEDICAL LEAVE PROGRAM
3 WILL BE ESTABLISHED;
- 4 (B) BY JANUARY 1, 2022, THE PUBLIC EDUCATION AND OUTREACH
5 CAMPAIGN WILL BEGIN;
- 6 (C) BY JANUARY 1, 2023, THE FAMILY AND MEDICAL LEAVE
7 PROGRAM FUNDING WILL BEGIN; AND
- 8 (D) BY JANUARY 1, 2024, THE FAMILY AND MEDICAL LEAVE
9 PROGRAM WILL START PAYING BENEFITS.
- 10 (e) THE INTENT OF THIS PART 3 IS TO ASSIST IN THE PREPARATION
11 OF LEGISLATION IN THE 2020 LEGISLATIVE SESSION ESTABLISHING A PAID
12 FAMILY AND MEDICAL LEAVE PROGRAM IN THE STATE.

13 **8-13.3-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

- 15 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND
16 EMPLOYMENT.
- 17 (2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
18 THE DEPARTMENT.
- 19 (3) "TASK FORCE" MEANS THE FAMILY AND MEDICAL LEAVE
20 IMPLEMENTATION TASK FORCE CREATED IN SECTION 8-13.3-304 (1).

21 **8-13.3-303. Department to perform analyses.** (1) (a) THE
22 DEPARTMENT SHALL ANALYZE THE FEASIBILITY OF CONTRACTING WITH A
23 THIRD PARTY TO ADMINISTER PARTS OF A PAID FAMILY AND MEDICAL
24 LEAVE PROGRAM FOR ALL EMPLOYEES IN THE STATE AS AN ALTERNATIVE
25 TO STATE ADMINISTRATION OF ALL ASPECTS OF SUCH A PROGRAM. IN
26 DETERMINING WHETHER A THIRD PARTY SHOULD ADMINISTER PARTS OF A
27 PAID FAMILY AND MEDICAL LEAVE PROGRAM, THE DEPARTMENT SHALL

1 CONSIDER WHETHER DOING SO WOULD BE COST-EFFECTIVE, IN THE SHORT
2 TERM AND IN THE LONG TERM FOR BOTH THE STATE AND COVERED
3 INDIVIDUALS, AND LEAD TO MORE EFFICIENT PROGRAM ADMINISTRATION
4 AND BENEFIT MANAGEMENT WHILE ASSURING QUALITY, WORKER
5 EXPERIENCE, AFFORDABILITY, COVERAGE, AND PROGRAM
6 ACCOUNTABILITY, AS COMPARED TO IF THE STATE ADMINISTERS ALL
7 ASPECTS OF THE PROGRAM.

8 (b) IN FULFILLING THE REQUIREMENTS OF THIS SUBSECTION (1),
9 THE DEPARTMENT SHALL MAKE A REQUEST FOR INFORMATION FROM THIRD
10 PARTIES THAT MAY BE WILLING TO ADMINISTER SINGLE OR MULTIPLE
11 PARTS OF A PAID FAMILY AND MEDICAL LEAVE PROGRAM. THE REQUESTS
12 FOR INFORMATION PURSUANT TO THIS SUBSECTION (1)(b) MUST SOLICIT
13 INFORMATION FROM THIRD PARTIES THAT INCLUDES, BUT IS NOT LIMITED
14 TO, THE THIRD PARTY'S:

15 (I) PRIOR EXPERIENCE WITH PAID FAMILY AND MEDICAL LEAVE
16 INSURANCE OR PROVIDING MONETARY BENEFITS IN COLORADO RELATED
17 TO EMPLOYEES TAKING LEAVE FROM WORK DUE TO SERIOUS HEALTH
18 CONDITIONS, PARENTAL BONDING, OR OTHER FAMILY AND MEDICAL LEAVE
19 PURPOSES;

20 (II) COMMITMENT TO AFFIRMATIVE ACTION, DIVERSITY, EQUITY,
21 AND INCLUSION POLICIES;

22 (III) LANGUAGE ACCESS EXPERIENCE AND CULTURAL
23 COMPETENCY; AND

24 (IV) CURRENT OR EXPECTED EMPLOYEE PAY RATES AND BENEFITS.

25 (c) ANY STUDY PURSUANT TO THIS SECTION MUST CONSIDER:

26 (I) THE ESTIMATED DIFFERENCE IN ADMINISTRATIVE COSTS
27 CHARGED BY THIRD PARTIES AS COMPARED TO A STATE-RUN PAID FAMILY

1 AND MEDICAL LEAVE PROGRAM;

2 (II) THE ESTIMATED DIFFERENCE IN CLAIMS PROCESSING SPEEDS;

3 (III) THE STATE'S COSTS TO OVERSEE ANY THIRD PARTY
4 ADMINISTRATION, INCLUDING COSTS TO CONDUCT ANNUAL AUDITS AND
5 REVIEW REGULAR REPORTS FROM THE THIRD PARTY;

6 (IV) THE ABILITY OF A THIRD PARTY TO SATISFY NECESSARY
7 WORKER PRIVACY AND CONFIDENTIALITY REQUIREMENTS;

8 (V) THE ABILITY OF A THIRD PARTY TO ACCESS EXISTING STATE
9 DATA OR TO EFFECTIVELY INTERFACE WITH THE DEPARTMENT'S SYSTEMS
10 AND INFORMATION;

11 (VI) THE POTENTIAL COSTS AND CHALLENGES ASSOCIATED WITH
12 TERMINATING A THIRD-PARTY CONTRACT DUE TO QUALITY OR
13 COMPLIANCE CONCERNS FOLLOWING IMPLEMENTATION OF THE PROGRAM,
14 AS WELL AS THE FEASIBILITY OF TIMELY SUBSTITUTING ADMINISTRATION
15 BY THE STATE OR A DIFFERENT THIRD PARTY WITHOUT A DISRUPTION IN
16 BENEFITS AND ADMINISTRATION; AND

17 (VII) A TIMELINE THAT PRESUMES A PAID FAMILY AND MEDICAL
18 LEAVE PROGRAM THAT IS ESTABLISHED BY JULY 1, 2020; BEGINS PUBLIC
19 EDUCATION AND OUTREACH ON JANUARY 1, 2022; ESTABLISHES THE
20 FUNDING STREAM ON JANUARY 1, 2023; AND STARTS PAYING BENEFITS ON
21 JANUARY 1, 2024.

22 (d) THE DEPARTMENT'S STUDY MUST SPECIFICALLY ADDRESS THE
23 EFFECT OF USING A THIRD-PARTY ADMINISTRATOR ON THE FOLLOWING
24 ASPECTS OF A PAID FAMILY AND MEDICAL LEAVE PROGRAM:

25 (I) CLAIMS APPEALS AND ADMINISTRATIVE ENFORCEMENT;

26 (II) PREMIUM RATES SETTING AND COLLECTION OF PREMIUMS;

27 (III) APPROVAL AND OVERSIGHT OF PRIVATE PLANS, IF

1 APPLICABLE; AND

2 (IV) MANAGEMENT OF ELECTIVE COVERAGE OF EMPLOYEES WHO
3 MAY NOT BE INCLUDED IN THE PROGRAM.

4 (2) (a) (I) THE DEPARTMENT SHALL CONTRACT WITH AT LEAST
5 THREE EXPERTS IN THE FIELD OF PAID FAMILY AND MEDICAL LEAVE
6 SELECTED BY THE TASK FORCE. THE EXPERTS MUST BE LOCAL AND
7 NATIONAL EXPERTS:

8 (A) WITH DEMONSTRATED EXPERIENCE STUDYING THE HEALTH,
9 ECONOMIC, AND SOCIAL BENEFITS OF ACCESS TO PAID LEAVE; THE COST
10 AND ECONOMIC IMPACT OF PAID LEAVE; AND THE DRAFTING AND
11 IMPLEMENTATION OF PAID FAMILY AND MEDICAL LEAVE PROGRAMS AT
12 THE STATE LEVEL; AND

13 (B) WHO HAVE SOME FAMILIARITY WITH CROSS-STATE
14 COMPARISONS.

15 (II) THE DEPARTMENT SHALL COMMISSION A REPORT FROM THE
16 EXPERTS UNDER CONTRACT WITH THE DEPARTMENT PURSUANT TO THIS
17 SUBSECTION (2)(a) ON THE ESTABLISHMENT OF A PAID FAMILY AND
18 MEDICAL LEAVE PROGRAM FOR EMPLOYEES IN THE STATE. THE
19 RECOMMENDATIONS MUST SPECIFY THE PARAMETERS THAT ENSURE THAT
20 A PROGRAM:

21 (A) IS AFFORDABLE FOR THE LOWEST WAGE WORKERS;

22 (B) IS EQUITABLE ACROSS WORKERS OF ALL INCOMES AND
23 CLASSIFICATIONS;

24 (C) IS ACCESSIBLE PARTICULARLY TO WORKERS LEAST LIKELY TO
25 HAVE ACCESS TO PAID LEAVE TODAY;

26 (D) IS ADEQUATE; AND

27 (E) INCLUDES A MINIMUM DURATION OF LEAVE THAT MEETS

1 EVIDENCE-BASED STANDARDS AND WAGE REPLACEMENT THAT IS
2 SUFFICIENT TO ALLOW THE LOWEST WAGE WORKERS TO PARTICIPATE.

3 (b) THE RECOMMENDATIONS MUST REVIEW, EVALUATE, AND
4 ASSESS AT LEAST THE FOLLOWING ELEMENTS, WITHOUT LIMITATION:

5 (I) THE PURPOSES OF THE LEAVE, INCLUDING SERIOUS ILLNESS,
6 CARING FOR A LOVED ONE WITH A SERIOUS ILLNESS, BONDING WITH A NEW
7 CHILD, AND NEEDS ARISING FROM MILITARY DEPLOYMENT AND THE
8 EFFECTS OF DOMESTIC VIOLENCE, STALKING, AND SEXUAL ASSAULT;

9 (II) SELF-EMPLOYED WORKERS' ACCESS TO PAID FAMILY AND
10 MEDICAL LEAVE AND A MECHANISM TO ALLOW SELF-EMPLOYED WORKERS
11 TO PARTICIPATE;

12 (III) ELIGIBILITY TO TAKE LEAVE;

13 (IV) THE DEFINITION OF FAMILY OR FAMILY MEMBER FOR WHOM
14 AN INDIVIDUAL MAY TAKE LEAVE FOR PURPOSES OF PROVIDING CARE;

15 (V) JOB PROTECTION AND OTHER EMPLOYMENT PROTECTIONS,
16 INCLUDING THEIR EFFECT ON AN INDIVIDUAL'S ABILITY TO TAKE LEAVE;

17 (VI) THE DURATION OF LEAVE;

18 (VII) THE AMOUNT OF THE WAGE REPLACEMENT;

19 (VIII) THE MAXIMUM WEEKLY WAGE REPLACEMENT AMOUNT;

20 (IX) THE PROGRAM FUNDING STRUCTURE;

21 (X) PROGRAM IMPLEMENTATION;

22 (XI) THE ROLE OF THIRD-PARTY VENDORS ON PROGRAM
23 SUSTAINABILITY;

24 (XII) THE SOLVENCY OF A PAID FAMILY AND MEDICAL LEAVE FUND
25 UNDER VARIOUS MODELS;

26 (XIII) THE PORTABILITY OF PAID FAMILY AND MEDICAL LEAVE
27 BENEFITS;

1 (XIV) THE SUSTAINABILITY OF A PAID FAMILY AND MEDICAL
2 LEAVE PROGRAM;

3 (XV) HOW A PAID FAMILY AND MEDICAL LEAVE PROGRAM WOULD
4 INTERACT WITH OTHER BENEFITS; AND

5 (XVI) A TIMELINE THAT PRESUMES A PAID FAMILY AND MEDICAL
6 LEAVE PROGRAM THAT IS ESTABLISHED BY JULY 1, 2020; BEGINS
7 EDUCATION AND OUTREACH ON JANUARY 1, 2022; ESTABLISHES THE
8 FUNDING STREAM ON JANUARY 1, 2023; AND STARTS PAYING BENEFITS ON
9 JANUARY 1, 2024.

10 (3) NO LATER THAN OCTOBER 1, 2019:

11 (a) THE DEPARTMENT SHALL PROVIDE THE TASK FORCE CREATED
12 IN SECTION 8-13.3-304 WITH:

13 (I) THE RESULTS OF THE THIRD-PARTY STUDY CONDUCTED
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

15 (II) THE PAID FAMILY AND MEDICAL LEAVE PLAN REPORT FROM
16 EXPERTS COMMISSIONED IN ACCORDANCE WITH SUBSECTION (2) OF THIS
17 SECTION; AND

18 (b) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
19 SHALL PROVIDE THE TASK FORCE WITH A REPORT DETAILING THE HEALTH
20 BENEFITS RELATED TO PAID FAMILY AND MEDICAL LEAVE.

21 (4) THE DEPARTMENT SHALL CONTRACT FOR THE SERVICES OF A
22 QUALIFIED PRIVATE ACTUARY TO PERFORM AN ACTUARIAL STUDY OF THE
23 INITIAL RECOMMENDATION FOR A FAMILY AND MEDICAL LEAVE PROGRAM
24 CREATED BY THE TASK FORCE PURSUANT TO SECTION 8-13.3-304 (8)(b).
25 THE ACTUARIAL STUDY SHALL BE PROVIDED TO THE TASK FORCE NO LATER
26 THAN DECEMBER 1, 2019.

27 **8-13.3-304. Family and medical leave implementation task**

1 force. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE FAMILY
2 AND MEDICAL LEAVE IMPLEMENTATION TASK FORCE.

3 (2) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

4 (a) THREE MEMBERS WHO ARE WORKERS OR REPRESENT AN
5 ORGANIZATION THAT REPRESENTS WORKERS' INTERESTS IN PAID FAMILY
6 AND MEDICAL LEAVE, EACH OF WHOM SHALL BE APPOINTED FROM A LIST
7 OF AT LEAST THREE NAMES SUBMITTED BY A RECOGNIZED STATEWIDE
8 ORGANIZATION THAT PROMOTES WORKERS' RIGHTS;

9 (b) THREE MEMBERS WHO ARE PRIVATE EMPLOYERS WITH A RANGE
10 OF BUSINESS SIZE AND EXPERIENCE IN PROVIDING EMPLOYEES WITH PAID
11 FAMILY AND MEDICAL LEAVE, EACH OF WHOM SHALL BE APPOINTED FROM
12 A LIST OF AT LEAST THREE NAMES SUBMITTED BY A RECOGNIZED
13 STATEWIDE ORGANIZATION OF EMPLOYERS;

14 (c) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATE POLICY
15 ORGANIZATION THAT WORKS ON ISSUES OF ECONOMIC OPPORTUNITY;

16 (d) ONE MEMBER WHO IS A PRIVATE INSURER WITH EXPERIENCE IN
17 ADMINISTERING TEMPORARY DISABILITY OR FAMILY AND MEDICAL LEAVE
18 INSURANCE BENEFITS;

19 (e) ONE MEMBER WHO REPRESENTS A STATE POLICY
20 ORGANIZATION THAT WORKS ON HEALTH ADVOCACY;

21 (f) ONE LABOR ECONOMIST WITH DEMONSTRATED RESEARCH OR
22 EXPERTISE IN STUDYING PAID FAMILY AND MEDICAL LEAVE AND LABOR
23 STANDARDS, AND THE DATA NECESSARY TO DO SO;

24 (g) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE
25 DOMESTIC VIOLENCE ORGANIZATION;

26 (h) ONE MEMBER WHO IS A PROFESSIONAL FROM A RECOGNIZED
27 INSTITUTION OF HIGHER EDUCATION AND WHO HAS EXPERTISE IN

1 STUDYING PAID FAMILY AND MEDICAL LEAVE;
2 (i) ONE MEMBER WHO IS A REPRESENTATIVE OF ORGANIZED LABOR;
3 AND
4 (j) TWO NONVOTING MEMBERS, ONE OF WHOM MUST REPRESENT
5 THE DEPARTMENT.
6 (3) THE MEMBERS OF THE TASK FORCE ARE APPOINTED AS
7 FOLLOWS:
8 (a) THE GOVERNOR SHALL APPOINT ONE MEMBER;
9 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
10 APPOINT FOUR MEMBERS;
11 (c) THE PRESIDENT OF THE SENATE SHALL APPOINT FOUR
12 MEMBERS;
13 (d) THE HOUSE MINORITY LEADER SHALL APPOINT TWO MEMBERS;
14 (e) THE SENATE MINORITY LEADER SHALL APPOINT TWO MEMBERS;
15 (f) THE EXECUTIVE DIRECTOR SHALL APPOINT ONE NONVOTING
16 MEMBER; AND
17 (g) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PERSONNEL
18 SHALL APPOINT ONE NONVOTING MEMBER.
19 (4) (a) THE APPOINTING AUTHORITIES SHALL MAKE THE
20 APPOINTMENTS TO THE TASK FORCE NO LATER THAN JULY 1, 2019.
21 (b) IN MAKING THE APPOINTMENTS, THE APPOINTING AUTHORITIES
22 SHALL ENSURE THAT THE APPOINTMENTS REFLECT COMMUNITIES OF
23 COLOR, RURAL COMMUNITIES, AND HISTORICALLY UNDERUTILIZED
24 BUSINESSES, AS DEFINED IN SECTION 24-49.5-105 (4).
25 (c) THE DEPARTMENT SHALL ASSIST AND COORDINATE THE
26 APPOINTING AUTHORITIES TO ENSURE THAT MEMBERS APPOINTED TO THE
27 TASK FORCE PURSUANT TO SUBSECTION (3) OF THIS SECTION MEET THE

1 MEMBERSHIP REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS
2 SECTION.

3 (5) EACH MEMBER OF THE TASK FORCE SERVES AT THE PLEASURE
4 OF THE APPOINTING AUTHORITY.

5 (6) EACH MEMBER OF THE TASK FORCE SERVES WITHOUT
6 COMPENSATION BUT IS ENTITLED TO RECEIVE REIMBURSEMENT FOR
7 ACTUAL AND NECESSARY EXPENSES THE MEMBER INCURS IN THE
8 PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE TASK
9 FORCE.

10 (7) (a) THE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR
11 SHALL CALL THE FIRST MEETING OF THE TASK FORCE.

12 (b) THE TASK FORCE SHALL ELECT A CHAIR FROM AMONG ITS
13 VOTING MEMBERS.

14 (8) (a) NO LATER THAN SEPTEMBER 1, 2019, THE TASK FORCE
15 SHALL ACCEPT AND CONSIDER PUBLIC COMMENT REGARDING THE
16 ADMINISTRATION AND ESTABLISHMENT OF A PAID FAMILY AND MEDICAL
17 LEAVE PROGRAM IN THE STATE. THE TASK FORCE SHALL RECEIVE PUBLIC
18 COMMENT FOR A MINIMUM OF THIRTY DAYS.

19 (b) NO LATER THAN NOVEMBER 1, 2019, THE TASK FORCE SHALL
20 MAKE AN INITIAL RECOMMENDATION ON A FAMILY AND MEDICAL LEAVE
21 PROGRAM FOR EMPLOYEES IN THE STATE AND PROVIDE THE
22 RECOMMENDATION TO THE ACTUARY CONTRACTED BY THE DEPARTMENT
23 PURSUANT TO SECTION 8-13.3-303 (4). IN MAKING THE RECOMMENDATION,
24 THE TASK FORCE SHALL CONSIDER THE INFORMATION IT RECEIVES
25 PURSUANT TO SECTION 8-13.3-303 (3).

26 (c) NO LATER THAN JANUARY 8, 2020, AFTER CONSIDERATION OF
27 THE ACTUARIAL ANALYSIS PERFORMED ON THE TASK FORCE'S INITIAL

1 RECOMMENDATION, THE TASK FORCE SHALL REPORT ITS FINAL
2 RECOMMENDATION ON A PAID FAMILY AND MEDICAL LEAVE PROGRAM FOR
3 ALL EMPLOYEES IN THE STATE, ALONG WITH THE THIRD-PARTY
4 ADMINISTRATION STUDY MADE PURSUANT TO SECTION 8-13.3-303 (1), AND
5 THE ACTUARIAL STUDY MADE PURSUANT TO SECTION 8-13.3-303 (4) TO:

6 (I) THE SENATE COMMITTEES ON FINANCE AND BUSINESS, LABOR,
7 AND TECHNOLOGY, OR THEIR SUCCESSOR COMMITTEES;

8 (II) THE HOUSE OF REPRESENTATIVES COMMITTEES ON FINANCE
9 AND BUSINESS AFFAIRS AND LABOR, OR THEIR SUCCESSOR COMMITTEES;

10 AND

11 (III) THE GOVERNOR.

12 (d) RECOMMENDATIONS MADE BY THE TASK FORCE PURSUANT TO
13 THIS SUBSECTION (8) SHOULD ATTEMPT TO MEET A TIMELINE THAT
14 PRESUMES A PAID FAMILY AND MEDICAL LEAVE PROGRAM THAT IS
15 ESTABLISHED BY JULY 1, 2020; BEGINS EDUCATION AND OUTREACH ON
16 JANUARY 1, 2022; ESTABLISHES THE FUNDING STREAM ON JANUARY 1,
17 2023; AND STARTS PAYING BENEFITS ON JANUARY 1, 2024.

18 (9) UPON REQUEST BY THE TASK FORCE, THE DEPARTMENT SHALL
19 PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY BE
20 NECESSARY TO IMPLEMENT THIS SECTION.

21 **8-13.3-305. Paid family and medical leave program**
22 **implementation authorization.** THE DEPARTMENT SHALL NOT
23 IMPLEMENT THE RECOMMENDED PLAN FOR A PAID FAMILY AND MEDICAL
24 LEAVE PROGRAM UNLESS THE GENERAL ASSEMBLY, ACTING BY BILL,
25 DIRECTS THE DEPARTMENT TO IMPLEMENT THE PROGRAM. IF THE
26 DEPARTMENT IS DIRECTED TO IMPLEMENT THE PLAN, IT SHALL BEGIN
27 IMPLEMENTATION BY A DATE SPECIFIED BY THE GENERAL ASSEMBLY

1 ACTING BY BILL.

2 **SECTION 2. Appropriation.** (1) For the 2019-20 state fiscal
3 year, \$165,487 is appropriated to the department of labor and employment
4 for use by executive director's office. This appropriation is from the
5 general fund and is based on an assumption that the office will require an
6 additional 0.5 FTE. To implement this act, the office may use this
7 appropriation for activities related to developing an implementation plan
8 for a family and medical leave insurance program.

9 (2) For the 2019-20 state fiscal year, \$17,004 is appropriated to the
10 department of public health and environment for use by the prevention
11 services division. This appropriation is from the general fund and is based
12 on an assumption that the division will require an additional 0.1 FTE. To
13 implement this act, the division may use this appropriation to develop a
14 report on health benefits related to paid family leave.

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