



FINAL
FISCAL NOTE

Drafting Number: LLS 12-0067

Date: July 23, 2012

Prime Sponsor(s): Rep. Gardner B.
Sen. Tochtrop

Bill Status: Signed into Law

Fiscal Analyst: Alex Schatz (303-866-4375)

TITLE: CONCERNING MODIFICATIONS TO THE INVESTMENT CONFIDENTIALITY PROVISIONS RELATED TO POLICE OFFICERS' AND FIREFIGHTERS' PENSION PLANS.

Summary of Legislation

This bill was recommended by the *Police Officers' and Firefighters' Pension Reform Commission*, a legislative committee, during the 2011 interim.

Under current law, fund managers and other investors with an interest in Fire and Police Pension Association (FPPA) investments may be unwilling to release proprietary information to FPPA officials if this information would be subject to disclosure as a public record. Without the ability to maintain the confidentiality of investment information, the FPPA is inhibited in its ability to analyze opportunities and to work with certain investment vehicles that would otherwise fit within its investment portfolio.

Under the bill, the definition of "investment information" for FPPA purposes is broadened to include any proprietary information that an investor would be required to maintain as confidential during the process of performing due diligence or participating in an investment. The bill also replaces the term "portfolio company" under FPPA statutes with "investment vehicle" to reflect the full breadth of investments in which the FPPA participates.

The bill was signed into law by the Governor on March 19, 2012, and takes effect August 8, 2012, assuming no referendum petition is filed.

Assessment

The bill is assessed as having no fiscal impact. Broadening the scope of FPPA investment information subject to nondisclosure as a public record does not affect funding, costs, or staffing levels for this statutory public entity, nor does it affect costs or revenue for any other state or local government entity.

Departments Contacted

Local Affairs

Fire and Police Pension Association