

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 19-0426.02 Nicole Myers x4326

**SENATE BILL 19-106**

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**SENATE SPONSORSHIP**

**Cooke and Zenzinger,** Crowder, Ginal, Marble, Sonnenberg, Todd

**HOUSE SPONSORSHIP**

**Tipper,**

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**Senate Committees**  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AN ADDITIONAL PROCESS BY WHICH A BOARD OF COUNTY**  
102                    **COMMISSIONERS MAY INITIATE THE WITHDRAWAL OF CURRENT**  
103                    **EMPLOYEES WHO ARE PEACE OFFICERS FROM A DEFINED**  
104                    **CONTRIBUTION RETIREMENT PLAN OFFERED BY ONE OR MORE**  
105                    **LOCAL GOVERNMENTS.**

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**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>.)*

Any county, municipality, or other political subdivision (local government) or group of local governments is currently authorized to

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.

SENATE  
3rd Reading Unamended  
February 19, 2019

SENATE  
Amended 2nd Reading  
February 15, 2019

establish and maintain a plan or system of retirement benefits for its elected or appointed officers and its employees. A local government or group of local governments that adopts a retirement plan or system is required to maintain an association for the purchase, establishment, or procurement of a retirement plan (association). Currently, any employer may withdraw from its participation in and contributions to any such association upon adoption of a resolution by the local government's governing body and upon approval by at least 65% of all active members employed by the employer who are participating in the association.

The bill creates an additional withdrawal provision that allows a board of county commissioners to initiate the withdrawal of current employees who are peace officers from its participation in and contributions to a defined contribution plan offered by an association for the purpose of joining a retirement plan offered by the fire and police pension association. For such a withdrawal, the approval requirement to withdraw is 65% of all current employees who are peace officers proposed to be withdrawn from participation in a defined contribution plan offered by the association and who participate in the vote to withdraw from the association. A board of county commissioners may use the new withdrawal provision once every 4 years. A board of county commissioners may also use the existing withdrawal provision to initiate the withdrawal of current employees who are peace officers from its participation in a defined contribution plan.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-54-101, **amend**  
3 (2.7) introductory portion; and **add** (2.7)(a.5) and (2.7)(d.5) as follows:

4 **24-54-101. Authorization to establish and maintain retirement**  
5 **plan or system - definitions.** (2.7) For purposes of this ~~article~~ ARTICLE  
6 54, unless the context otherwise requires:

7 (a.5) "CURRENT EMPLOYEE" MEANS ANY PERSON CURRENTLY  
8 PERFORMING SERVICE THAT CONSTITUTES EMPLOYMENT FOR ANY COUNTY,  
9 MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE.  
10 "CURRENT EMPLOYEE" DOES NOT INCLUDE FORMER EMPLOYEES OF ANY  
11 COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE  
12 WHO LEFT EMPLOYMENT THROUGH RETIREMENT, RESIGNATION,

1 SEPARATION, TERMINATION, OR OTHERWISE. "CURRENT EMPLOYEE" ALSO  
2 DOES NOT INCLUDE BENEFICIARIES OF EITHER CURRENT EMPLOYEES OR  
3 FORMER EMPLOYEES.

4 (d.5) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER AS  
5 DESCRIBED IN SECTION 16-2.5-101 AND INCLUDES ANY GUARDS EMPLOYED  
6 BY A COUNTY SHERIFF PURSUANT TO SECTION 17-26-122.

7 **SECTION 2.** In Colorado Revised Statutes, 24-54-106, **add** (3)  
8 as follows:

9 **24-54-106. Association shall be formed - withdrawal.**

10 (3)(a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, ONCE EVERY  
11 FOUR YEARS A BOARD OF COUNTY COMMISSIONERS MAY INITIATE THE  
12 WITHDRAWAL OF CURRENT EMPLOYEES WHO ARE PEACE OFFICERS IN THE  
13 COUNTY FROM ITS PARTICIPATION IN AND CONTRIBUTIONS TO A DEFINED  
14 CONTRIBUTION PLAN OFFERED BY AN ASSOCIATION FORMED PURSUANT TO  
15 THIS ARTICLE 54 FOR THE PURPOSE OF JOINING A RETIREMENT PLAN  
16 OFFERED BY THE FIRE AND POLICE PENSION ASSOCIATION CREATED IN  
17 ARTICLE 31 OF TITLE 31. THE BOARD OF COUNTY COMMISSIONERS, AFTER  
18 AN ASSOCIATION HAS BEEN PROVIDED AN OPPORTUNITY TO PRESENT  
19 INFORMATION TO THE BOARD OF COUNTY COMMISSIONERS REGARDING THE  
20 ADVANTAGES OR DISADVANTAGES OF WITHDRAWAL FROM AN  
21 ASSOCIATION, MAY INITIATE THE WITHDRAWAL BY FILING WITH THE  
22 BOARD OF THE ASSOCIATION A RESOLUTION ADOPTED BY THE BOARD OF  
23 COUNTY COMMISSIONERS PURSUANT TO SUBSECTION (3)(b) OF THIS  
24 SECTION NO LESS THAN NINETY DAYS PRIOR TO THE EFFECTIVE DATE OF  
25 WITHDRAWAL UNLESS A SHORTER WAITING PERIOD IS APPROVED BY THE  
26 BOARD OF AN ASSOCIATION. THE EFFECTIVE DATE OF WITHDRAWAL SHALL  
27 BE THE FIRST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE MONTH

1 IN WHICH THE WAITING PERIOD EXPIRES.

2 (b) A BOARD OF COUNTY COMMISSIONERS' WITHDRAWAL  
3 RESOLUTION SHALL BE ADOPTED BY THE BOARD OF COUNTY  
4 COMMISSIONERS AND SHALL STATE ITS INTENT TO WITHDRAW CURRENT  
5 EMPLOYEES WHO ARE PEACE OFFICERS FROM PARTICIPATION IN A DEFINED  
6 CONTRIBUTION PLAN OFFERED BY THE ASSOCIATION.

7 (c) ANY WITHDRAWAL PURSUANT TO THIS SUBSECTION (3) SHALL  
8 BE APPROVED BY AT LEAST SIXTY-FIVE PERCENT OF ALL CURRENT  
9 EMPLOYEES WHO ARE PEACE OFFICERS PROPOSED TO BE WITHDRAWN FROM  
10 A DEFINED CONTRIBUTION PLAN AND WHO PARTICIPATE IN THE ELECTION  
11 REGARDING THE WITHDRAWAL.

12 (d) THE BOARD OF THE ASSOCIATION SHALL DISCLOSE ALL  
13 RAMIFICATIONS AND PROCEDURES FOR OBTAINING THE MEMBER APPROVAL  
14 PROVIDED FOR IN SUBSECTION (3)(c) OF THIS SECTION.

15 (e) BEFORE THE ELECTION TO DETERMINE WHETHER A BOARD OF  
16 COUNTY COMMISSIONERS WILL WITHDRAW CURRENT EMPLOYEES WHO ARE  
17 PEACE OFFICERS FROM PARTICIPATION IN A DEFINED CONTRIBUTION PLAN  
18 OFFERED BY AN ASSOCIATION, THE BOARD OF THE ASSOCIATION AND THE  
19 BOARD OF COUNTY COMMISSIONERS OR ITS DESIGNEE SHALL BE ALLOWED  
20 MULTIPLE OPPORTUNITIES TO PRESENT INFORMATION TO CURRENT  
21 EMPLOYEES WHO ARE PEACE OFFICERS PROPOSED TO BE WITHDRAWN FROM  
22 A DEFINED CONTRIBUTION PLAN OFFERED BY THE ASSOCIATION  
23 REGARDING THE ADVANTAGES OR DISADVANTAGES OF SUCH  
24 WITHDRAWAL.

25 (f) ALL WITHDRAWALS FROM THE ASSOCIATION PURSUANT TO THIS  
26 SUBSECTION (3) SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN  
27 THIS SECTION, AND, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,

1 ALL WITHDRAWALS MEETING SUCH REQUIREMENTS SHALL BE APPROVED  
2 BY THE BOARD OF THE ASSOCIATION. WITHDRAWAL REQUESTS THAT DO  
3 NOT MEET THE REQUIREMENTS OF THIS SECTION SHALL NOT BE APPROVED  
4 BY THE BOARD OF THE ASSOCIATION.

5 (g) IF A BOARD OF COUNTY COMMISSIONERS FILES A RESOLUTION  
6 TO WITHDRAW CURRENT EMPLOYEES WHO ARE PEACE OFFICERS FROM A  
7 DEFINED CONTRIBUTION PLAN OFFERED BY AN ASSOCIATION FORMED  
8 PURSUANT TO THIS ARTICLE 54, AND THE WITHDRAWAL IS APPROVED  
9 PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION, ANY CURRENT  
10 EMPLOYEE WHO IS A PEACE OFFICER MAY ELECT TO REMAIN AN ACTIVE  
11 MEMBER OF SUCH DEFINED CONTRIBUTION PLAN IF THE WITHDRAWAL  
12 BECOMES EFFECTIVE. A CURRENT EMPLOYEE WHO IS A PEACE OFFICER  
13 SHALL NOTIFY, IN WRITING, THE BOARD OF THE ASSOCIATION AND THE  
14 BOARD OF COUNTY COMMISSIONERS WHETHER HE OR SHE WILL REMAIN IN  
15 THE DEFINED CONTRIBUTION PLAN OR BECOME PART OF THE DEFINED  
16 BENEFIT PLAN ADMINISTERED BY THE FIRE AND POLICE PENSION  
17 ASSOCIATION. A CURRENT EMPLOYEE WHO IS A PEACE OFFICER SHALL  
18 PROVIDE SUCH WRITTEN NOTICE PRIOR TO THE EFFECTIVE DATE OF THE  
19 RETIREMENT PLAN OFFERED BY THE FIRE AND POLICE PENSION  
20 ASSOCIATION TO BEGIN PARTICIPATION IN A RETIREMENT PLAN OFFERED  
21 BY THE FIRE AND POLICE PENSION ASSOCIATION. IF A CURRENT EMPLOYEE  
22 WHO IS A PEACE OFFICER DOES NOT PROVIDE SUCH WRITTEN NOTICE, THE  
23 CURRENT EMPLOYEE WILL REMAIN IN THE DEFINED CONTRIBUTION PLAN.

24 (h) NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO  
25 PROHIBIT A BOARD OF COUNTY COMMISSIONERS FROM USING SUBSECTION  
26 (2) OF THIS SECTION TO INITIATE THE WITHDRAWAL OF CURRENT  
27 EMPLOYEES WHO ARE PEACE OFFICERS FROM PARTICIPATING IN AND

1 CONTRIBUTING TO AN ASSOCIATION FORMED PURSUANT TO THIS ARTICLE  
2 54.

3           **SECTION 3. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.