

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0217.01 Jason Gelender x4330

HOUSE BILL 22-1101

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HOUSE SPONSORSHIP

McLachlan and Catlin, Boesenecker, Valdez D.

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House Committees  
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A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF A PROGRAM THAT ALLOWS A PUBLIC  
102 EMPLOYEES' RETIREMENT ASSOCIATION SERVICE RETIREE TO  
103 WORK FULL-TIME WITHOUT ANY REDUCTION IN THE SERVICE  
104 RETIREE'S RETIREMENT BENEFITS FOR A RURAL SCHOOL  
105 DISTRICT THAT HAS A CRITICAL SHORTAGE OF QUALIFIED  
106 INDIVIDUALS WITH SPECIFIC EXPERIENCE, SKILLS, OR  
107 QUALIFICATIONS THAT THE SERVICE RETIREE HAS.

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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>.)*

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.

The bill expands a program, currently scheduled to repeal on July 1, 2023, that allows a public employees' retirement association (PERA) service retiree to work full-time without any reduction in the service retiree's retirement benefits for a rural school district that has a critical shortage of qualified individuals with specific experience, skills, or qualifications that the service retiree has by:

- Making the program permanent; and
- Adding school nurses and paraprofessionals to those who are eligible for post-PERA retirement full-time employment.

The bill also requires PERA to submit additional reports, containing the same types of information as the initial report that PERA submitted as required by law in 2020, to the finance committees of the general assembly on or before December 1, 2025, and on or before December 1 of each fifth year thereafter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-51-1101, **amend**  
3 (1.9)(a)(I), (1.9)(a)(II)(B), (1.9)(a)(II)(C), (1.9)(i) introductory portion,  
4 (1.9)(i)(I), and (1.9)(i)(II); and **repeal** (1.9)(j) as follows:

5 **24-51-1101. Employment after service retirement - report -**  
6 **definitions - repeal.** (1.9) (a) (I) Subject to the provisions of subsection  
7 (1.9)(h) of this section, a service retiree who is a teacher, a school bus  
8 driver, ~~or~~ a school food services cook, A SCHOOL NURSE, OR A  
9 PARAPROFESSIONAL, AS DEFINED IN SECTION 22-60.3-102 (9), and is hired  
10 pursuant to subsection (1.9)(b) of this section by an employer in the  
11 school division of the association that satisfies the criteria specified in  
12 subsection (1.9)(a)(II) of this section may receive salary without reduction  
13 in benefits for any length of employment in a calendar year if the service  
14 retiree has not worked for any employer, as defined in section 24-51-101  
15 (20), during the month of the effective date of retirement. A service  
16 retiree described in this subsection (1.9)(a) who works for any employer,

1 as defined in section 24-51-101 (20), during the month of the effective  
2 date of retirement shall be subject to a reduction in benefits as provided  
3 in section 24-51-1102 (2).

4 (II) The provisions of this subsection (1.9) apply only if:

5 (B) The school district hires the service retiree for the purpose of  
6 providing classroom instruction or school bus transportation to students  
7 enrolled by the district or for the purpose of being a school food services  
8 cook, A SCHOOL NURSE, OR A PARAPROFESSIONAL, AS DEFINED IN SECTION  
9 22-60.3-102 (9); and

10 (C) The school district determines that there is a critical shortage  
11 of qualified teachers, school bus drivers, ~~or~~ school food services cooks,  
12 SCHOOL NURSES, OR PARAPROFESSIONALS, AS DEFINED IN SECTION  
13 22-60.3-102 (9), as applicable, and that the service retiree has specific  
14 experience, skills, or qualifications that would benefit the district.

15 (i) On or before ~~December 1, 2020~~ DECEMBER 1, 2025, AND ON OR  
16 BEFORE DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, the association  
17 shall submit a report to the finance committees of the house of  
18 representatives and the senate, or any successor committees, regarding the  
19 employment after service retirement provisions of this subsection (1.9).  
20 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),  
21 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION  
22 (1.9)(i) CONTINUES INDEFINITELY. The employers in the school division  
23 of the association that employ teachers, school bus drivers, ~~or~~ school food  
24 services cooks, SCHOOL NURSES, OR PARAPROFESSIONALS, AS DEFINED IN  
25 SECTION 22-60.3-102 (9), pursuant to this subsection (1.9) shall provide  
26 information requested by the association for the purposes of the report.  
27 The report shall include:

1           (I) The number of teachers, school bus drivers, ~~and~~ school food  
2 services cooks, SCHOOL NURSES, AND PARAPROFESSIONALS, AS DEFINED  
3 IN SECTION 22-60.3-102 (9), who have been employed after service  
4 retirement pursuant to this subsection (1.9) as of the date of the report;

5           (II) The extent to which this subsection (1.9) has helped  
6 employers in the school division address teacher, school bus driver, ~~and~~  
7 school food services cook, SCHOOL NURSE, AND PARAPROFESSIONAL, AS  
8 DEFINED IN SECTION 22-60.3-102 (9), shortages;

9           (j) ~~This subsection (1.9) is repealed, effective July 1, 2023.~~

10           **SECTION 2. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, or safety.