

CHAPTER 146

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 09-157

BY SENATOR(S) Sandoval;
 also REPRESENTATIVE(S) Hullinghorst, Casso, Gerou, Labuda, Middleton, Ryden, Schafer S., Todd.

AN ACT

CONCERNING THE RETIREMENT PLAN ELIGIBILITY OF SPECIFIED EMPLOYEES OF THE UNIVERSITY OF COLORADO.

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

SECTION 1. Article 20 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-20-139. Retirement plan - eligibility - election. (1) (a) THE UNIVERSITY OF COLORADO PRESIDENT, CHANCELLORS, DEANS, OTHER PROFESSIONALS EXEMPT FROM THE STATE PERSONNEL SYSTEM, AND FACULTY AS DETERMINED BY THE BOARD OF REGENTS TO BE ELIGIBLE TO PARTICIPATE IN A UNIVERSITY OF COLORADO RETIREMENT PLAN SHALL BE MEMBERS OF A UNIVERSITY RETIREMENT PLAN AND COVERED UNDER SOCIAL SECURITY IF REQUIRED BY FEDERAL LAW; EXCEPT THAT UPON INITIAL APPOINTMENT TO OR EMPLOYMENT IN A POSITION DESCRIBED IN THIS SUBSECTION (1), AN EMPLOYEE WHO IS A MEMBER OR INACTIVE MEMBER OF THE ASSOCIATION SHALL ELECT, WITHIN THIRTY DAYS AFTER SUCH APPOINTMENT, EITHER TO JOIN THE ASSOCIATION IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 51 OF TITLE 24, C.R.S., OR TO PARTICIPATE IN A UNIVERSITY RETIREMENT PLAN.

(b) FOR PURPOSES OF THIS SECTION, "ASSOCIATION" MEANS THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION CREATED PURSUANT TO SECTION 24-51-201, C.R.S.

(2) AN ELECTION MADE BY AN EMPLOYEE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE IRREVOCABLE AND SHALL REMAIN THE ELECTION OF THE EMPLOYEE AT ANY TIME THE EMPLOYEE IS EMPLOYED BY THE UNIVERSITY IN A POSITION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

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

(3) AN ELECTION TO PARTICIPATE IN A UNIVERSITY RETIREMENT PLAN PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE IN WRITING AND SHALL BE FILED WITH THE ASSOCIATION AND WITH THE UNIVERSITY IN A MANNER PRESCRIBED BY THE UNIVERSITY.

(4) AN ELECTION TO JOIN THE ASSOCIATION PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE IN WRITING IN THE MANNER PROVIDED BY THE ASSOCIATION AND SHALL BE FILED WITH THE ASSOCIATION NO MORE THAN THIRTY DAYS AFTER THE ELECTION.

(5) IF AN EMPLOYEE FAILS TO MAKE AN ELECTION PURSUANT TO THE PROVISIONS OF THIS SECTION, THE EMPLOYEE SHALL BE A MEMBER OF THE ASSOCIATION.

(6) THE UNIVERSITY SHALL BE SOLELY RESPONSIBLE FOR EDUCATING EMPLOYEES AND PROVIDING INFORMATION TO EMPLOYEES ABOUT THE PROCESS PROVIDED IN THIS SECTION AND FOR THE ADMINISTRATION OF THE PROCESS.

(7) ADMINISTRATIVE ACTIONS OR CIVIL ACTIONS BROUGHT BY EMPLOYEES TO DISPUTE THE ELECTION FOR PARTICIPATION OR FAILURE TO ELECT PARTICIPATION IN THE ASSOCIATION OR A UNIVERSITY RETIREMENT PLAN SHALL COMMENCE WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE ELECTION OR WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE EMPLOYEE MAY MAKE AN ELECTION TO PARTICIPATE IN SUCH PLAN PURSUANT TO THIS SECTION, WHICHEVER IS EARLIER, AND NOT THEREAFTER.

SECTION 2. 24-51-310 (1) (b), Colorado Revised Statutes, is amended to read:

24-51-310. Persons not eligible for membership. (1) Persons not eligible for membership in the association include:

(b) ~~University of Colorado president, chancellors, deans, other professionals exempt from the state personnel system, and faculty whose retirement program as determined by the board of regents is provided by social security and the university's qualified retirement plan; except that persons covered by the plan shall remain members.~~ PARTICIPANTS IN A UNIVERSITY OF COLORADO RETIREMENT PLAN TO THE EXTENT REQUIRED PURSUANT TO SECTION 23-20-139, C.R.S.;

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 20, 2009