SENATE BILL 18-200

A BILL FOR AN ACT

Concerning modifications to the public employees' retirement association hybrid defined benefit plan necessary to eliminate with a high probability the unfunded liability of the plan within the next thirty years, and, in connection therewith, making an appropriation.

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.)

The public employees' retirement association (PERA) provides

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.
retirement and other benefits to employees of the school districts, state, local governments, and other public entities across the state. The bill makes changes to the hybrid defined benefit plan administered by PERA with the goal of eliminating, with a high probability, the unfunded actuarial accrued liability of each of PERA's divisions and thereby reach a 100% funded ratio for each division within the next 30 years. The bill modifies benefits, increases contributions, ensures alignment of contributions, service credit, and benefits, and makes other modifications as follows:

**Highest Average Salary (HAS):** Currently, for a PERA member who is not in the judicial division of PERA, the member's HAS is based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service with a base year. For a PERA member who is in the judicial division of PERA, the member's HAS is based on an average of the highest annual salaries associated with 12 consecutive months of service. For all new PERA members hired on or after January 1, 2020, who are not in the judicial division, and for all existing PERA members who do not have 5 years of service credit as of January 1, 2020, who are not in the judicial division, the bill modifies the HAS calculation to be based on an average of the highest annual salaries associated with 7 periods of 12 consecutive months of service with a base year. For all new PERA members hired on or after January 1, 2020, who are in the judicial division, and for all existing PERA members in the judicial division who do not have 5 years of service credit as of January 1, 2020, the bill modifies the HAS calculation to be based on an average of the highest annual salaries associated with 3 periods of 12 consecutive months of service with a base year.

**Definition of salary:** The bill modifies the definition of salary. Specifically, the bill states that amounts deducted from pay pursuant to a cafeteria plan or a qualified transportation plan are included in the definition of salary. In addition, the bill clarifies that unused sick leave converted to cash payments is included in the definition of salary and that insurance premiums paid by employers are not included in the definition of salary.

**Termination of affiliation:** Current law allows a political subdivision of the state that is an employer associated with PERA and that is assigned to the local government division of PERA to terminate its affiliation with PERA upon application to the PERA board. The bill specifies that any employer that ceases operations or ceases to participate in PERA for any reason is deemed to have terminated its affiliation with PERA. The bill states that any such employer is required to fully fund its share of the unfunded liability of the defined benefit plan and its share of the unfunded liability of the health care trust fund. The bill specifies that the PERA board will determine the amount of such payments and that such determinations may be appealed by the employer through the
administrative review process established in the board rules. The bill further specifies that the employees of an employer that terminates its affiliation with PERA will become inactive members of PERA as of the date of the termination. Such members may elect to have their member contributions credited to an alternative pension plan or refunded. In the absence of such election, the member contributions will remain with PERA.

Increase in member contributions: Currently, all PERA members with the exception of state troopers contribute 8% of their salary to PERA on a monthly basis. State troopers contribute 10% of their salary to PERA on a monthly basis. On July 1, 2018, and again on January 1, 2019, the monthly member contribution to PERA will increase by .5% of salary. On July 1, 2019, and again on January 1, 2020, the monthly member contribution to PERA will increase by 1% of salary. When all increases are fully implemented, the total contribution will be 11% of salary each month for PERA members who are not state troopers and 13% each month for PERA members who are state troopers.

Increase in employer contributions: Currently, all PERA employers contribute an amount equal to a percentage of the member's salary to PERA on a monthly basis. For most employers, the monthly contribution amount is equal to 10.15% of the member's salary. For state troopers, the monthly employer contribution amount is equal to 12.85% of the member's salary and for members of the judicial division, the monthly employer contribution amount is equal to 13.66% of the member's salary. On July 1, 2018, and again on July 1, 2019, the monthly employer contribution to PERA on behalf of members will increase by 1% of salary. When both increases are fully implemented, the total contribution will be equal to 12.15% of salary each month for most PERA employers, 14.85% each month for PERA employers who employ state troopers, and 15.66% for PERA employers in the judicial division.

Automatic contribution and annual increase amount changes: The bill specifies the circumstances under which the employer contribution rate, the member contribution rate, and the annual increase percentage for retirement benefits can be adjusted so the fund remains within the target of paying off the unfunded liability within 30 years. The bill specifies that the yearly adjustments can be up to one-quarter of one percent on the annual increase percentage, one-half of one percent on the employer contribution percentage, and one-half of one percent on the employee contribution percentage. The bill places limits on how much the annual increase and contribution rates can be adjusted.

Defined contribution supplement: Beginning January 1, 2022, the bill requires employer contribution rates to be adjusted to include a defined contribution supplement. The defined contribution supplement for each division will be the employer contribution amount paid to defined contribution plan participant accounts that would have otherwise
gone to the defined benefit trusts to pay down the unfunded liability, plus any defined benefit investment earnings thereon, expressed as a percentage of salary on which employer contributions have been made. The employer contribution amounts only include contributions made on behalf of eligible employees who commence employment on or after January 1, 2020.

**Earned service credit for part-time work:** Currently, a PERA member earns a full year of service credit for 12 months of employment if the member earns a salary of 80 times federal minimum wage in each month. This applies even if the member does not work full time. In addition, a PERA member earns a full year of service credit if the member's employment pattern covers at least 8 months but less than 12 months in a year, so long as the member worked at least 8 months in the 12-month period. The bill modifies the way service credit is earned for part-time work for any PERA member who was not a member, inactive member, or retiree on or before December 31, 2019. Such members earn a full year of service credit for 12 months of employment if the member works full time or works at least 8 months but less than 12 months in a year. If the member does not work full time, the earned service credit will be determined by the ratio of part-time work to full-time work and the number of months for which contributions are remitted to the number of months required for a year of service credit.

**Service retirement eligibility for new members:** For PERA members who begin employment on or after January 1, 2020, the bill increases the age and service requirements for full-service retirement benefits for most divisions to age 65 with a minimum of 5 years of service or any age with a minimum of 40 years of service credit. For state troopers who begin employment on or after January 1, 2020, the bill increases the age and service requirements for full-service retirement benefits to age 55 with a minimum of 25 years of service credit or any age with a minimum of 35 years of service credit. State troopers are also eligible for full-service retirement benefits at age 65 with 5 years of service credit. For PERA members who begin employment on or after January 1, 2020, the bill also increases the age and service requirements for a reduced service retirement benefit to 55 years with a minimum of 25 years of service credit; except that, for state troopers, the bill increases the requirements to 55 years with a minimum of 20 years of service credit.

**Service retirement eligibility for current members:** Beginning January 1, 2020, for members, excluding state troopers, who are members, inactive members, or retirees on December 31, 2019, the age requirement to receive service retirement benefits or reduced service retirement benefits currently specified in law is the age requirement for each member plus one year for every 4 years that the member's age is less than 46 years on January 1, 2020. In no event shall the age requirement to receive service retirement benefits exceed 65 years for any member for
a service retirement benefit or 60 years for any member for a reduced service retirement benefit.

**Cost of living adjustment (COLA) for all retirees, members, and inactive members:** Currently, the annual COLA for benefit recipients who began membership prior to January 1, 2007, is 2%. For the years 2018 and 2019, the bill reduces the COLA to 0%. For each year thereafter, the bill changes the COLA to 1.25%, unless it is adjusted pursuant to the automatic adjustment provisions explained above. In addition, the bill requires benefit recipients whose effective date of retirement is on or after January 1, 2011, and who have not received a COLA on or before May 1, 2018, to receive benefits for at least a 36-month period following retirement before the benefit is adjusted with the COLA.

**Defined contribution plan:** Currently, members in the state division of PERA hired on or after January 1, 2006, may choose to participate in the defined contribution plan administered by PERA rather than the defined benefit plan. A member's participant account receives the monthly employer contribution, and the amortization equalization disbursement (AED) and supplemental amortization equalization disbursement (SAED) payments are used to amortize the unfunded liability of the defined benefit plan. Beginning January 1, 2020, members of the school division, the Denver public schools division, local government division, and judicial division of PERA hired on or after that date may also choose to participate in the defined contribution plan. A new member's participant account will receive the same employer contribution as received by current members of the defined contribution plan.

**Public pension legislative oversight committee:** The bill creates the public pension legislative oversight committee to study and develop proposed legislation relating to the funding and benefit designs of PERA and the fire and police pension association. The committee is comprised of 4 senators appointed by the president of the senate, 6 representatives appointed by the speaker of the house of representatives, and 4 experts in the area of pensions or retirement plan designs appointed by the state treasurer. The bill specifies limitations on the number of appointees that may be from the same political party. The bill also specifies that the state treasurer's appointees are required to have significant experience and competence in investment management, finance, banking, economics, accounting, pension administration, or actuarial analysis and shall not be members, inactive members, or retirees of PERA or the fire and police pension association. The bill repeals the police officers' and firefighters' pension reform commission on January 1, 2019.

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1 *Be it enacted by the General Assembly of the State of Colorado:*
SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The general assembly bears fiduciary responsibility for the association and its long-term financial sustainability;

(b) Providing retirement security and benefits are an important value of the general assembly;

(c) According to its own published reports referencing the governmental accounting standards board, the public employees' retirement association (association) is underfunded by over fifty billion dollars and has a funded ratio of less than fifty percent;

(d) In its current financial condition, the association is at risk for insolvency in the coming years should certain negative economic events occur that would threaten the retirement security of retired public sector workers;

(e) The sooner the general assembly meaningfully addresses this dire situation, the more likely that the state will be able to meet its obligations to provide retirement security to association participants across economic cycles;

(f) The general assembly bears responsibility to maintain retirement security by acting in the best interests of today's and tomorrow's public sector employees, association beneficiaries, association employers, and the taxpayers who are ultimately responsible for funding the employers and thus the benefits provided to retirees;

(g) Colorado's credit rating was recently placed on a negative outlook by the standard and poors rating agency because of the association's low funded ratios as well as annual contribution rates below the actuarially determined contribution rate;
(h) If Colorado's pension funding ratio continues to decline or if no significant plan is adopted to improve funding of the pension program, the state's credit rating will likely be downgraded; and

(i) A downgrade in the state's credit rating will affect both the state's financial position and operations by increasing the cost of accessing capital markets for both the state and the other institutions that rely on the state's credit rating.

(2) The general assembly further finds and declares that the changes in this act are reasonable and necessary to serve the important public purpose of ensuring the association's long-term financial sustainability.

SECTION 2. In Colorado Revised Statutes, 24-51-101, amend the introductory portion, (25)(a), (25)(b)(V), (42)(a), (42)(b), and (46); and add (25)(b)(VI) and (25)(b)(VII) as follows:

24-51-101. Definitions. As used in this article ARTICLE 51, unless the context otherwise requires and except as otherwise defined in part 17 of this article ARTICLE 51:

(25) (a) "Highest average salary" means:

(I) (A) FOR A MEMBER OR INACTIVE MEMBER WHO HAS FIVE YEARS OF SERVICE CREDIT ON DECEMBER 31, 2019, OR A RETIREE WHO WAS RETIRED ON DECEMBER 31, 2019, one-twelfth of the average of the highest annual salaries upon which contributions were paid, whether earned from one or more employers, that are associated with three periods of twelve consecutive months of service credit;

(B) FOR A MEMBER OR INACTIVE MEMBER WHO DOES NOT HAVE FIVE YEARS OF SERVICE CREDIT ON DECEMBER 31, 2019, OR A MEMBER WHO WAS NOT A MEMBER, INACTIVE MEMBER, OR RETIREE ON DECEMBER
31, 2019, one-twelfth of the average of the highest annual salaries upon which contributions were paid, whether earned from one or more employers, that are associated with five periods of twelve consecutive months of service credit;

(II) For a member who does not have the requisite three years of service credit, one-twelfth of the average of the total annual salaries earned during membership upon which contributions were paid;

(III) For benefits which become effective on or after January 1, 1982, where the individual earned less than one year of service credit after December 31, 1980, one-twelfth of the average of the highest annual salaries upon which contributions were paid which were associated with five consecutive years of service credit; or

(IV) Notwithstanding any other provision of this paragraph (a) subsection (25)(a) to the contrary, for members of the judicial division who have five years of service credit on December 31, 2019, retiring on or after July 1, 1997, one-twelfth of the highest annual salary upon which contributions were paid for twelve consecutive months; or

(V) Notwithstanding any other provision of this subsection (25)(a) to the contrary, for members of the judicial division who do not have five years of service credit on December 31, 2019, or for members of the judicial division who were not members, inactive members, or retirees on December 31, 2019, one-twelfth of the average of the highest annual salaries upon which contributions were paid that are associated with three periods of twelve consecutive months of service credit.

(b) (V) Notwithstanding any other provision of this paragraph (b) subsection (25)(b), in calculating highest average salary for a member
or inactive member not eligible for service or reduced service retirement on January 1, 2011, AND WHO WAS A MEMBER OR INACTIVE MEMBER WITH FIVE YEARS OF SERVICE CREDIT ON DECEMBER 31, 2019, OR A RETIREE ON DECEMBER 31, 2019, the association shall determine the highest annual salaries associated with four periods of twelve consecutive months of service credit. The lowest of such annual salaries shall be the base salary. The first annual salary to be used in the highest average salary calculation shall be the actual salary reported up to one hundred eight percent of the base salary. The second annual salary to be used in the highest average salary calculation shall be the actual salary reported up to one hundred eight percent of the first annual salary used in the highest average salary calculation. The third annual salary to be used in the highest average salary calculation shall be the actual salary reported up to one hundred eight percent of the second annual salary used in the highest average salary calculation. This subparagraph (V) SUBSECTION (25)(b)(V) shall not apply to members of the judicial division, except for DPS members of the judicial division who have exercised portability pursuant to section 24-51-1747 and selected the Denver public schools benefit structure. This subparagraph (V) SUBSECTION (25)(b)(V) shall apply to DPS members in accordance with section 24-51-1702 (17).

(VI) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (25)(b), IN CALCULATING HIGHEST AVERAGE SALARY FOR A MEMBER OR INACTIVE MEMBER WHO DOES NOT HAVE FIVE YEARS OF SERVICE CREDIT ON DECEMBER 31, 2019, OR WHO WAS NOT A MEMBER, INACTIVE MEMBER, OR RETIREE ON DECEMBER 31, 2019, THE ASSOCIATION SHALL DETERMINE THE HIGHEST ANNUAL SALARIES ASSOCIATED WITH SIX PERIODS OF TWELVE CONSECUTIVE MONTHS OF SERVICE CREDIT. THE
LOWEST OF SUCH ANNUAL SALARIES SHALL BE THE BASE SALARY. THE
FIRST ANNUAL SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY
CALCULATION SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE
HUNDRED EIGHT PERCENT OF THE BASE SALARY. THE SECOND ANNUAL
SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY CALCULATION
SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE HUNDRED EIGHT
PERCENT OF THE FIRST ANNUAL SALARY USED IN THE HIGHEST AVERAGE
SALARY CALCULATION. THE THIRD ANNUAL SALARY TO BE USED IN THE
HIGHEST AVERAGE SALARY CALCULATION SHALL BE THE ACTUAL SALARY
REPORTED UP TO ONE HUNDRED EIGHT PERCENT OF THE SECOND ANNUAL
SALARY USED IN THE HIGHEST AVERAGE SALARY CALCULATION. THE
FOURTH ANNUAL SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY
CALCULATION SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE
HUNDRED EIGHT PERCENT OF THE THIRD ANNUAL SALARY USED IN THE
HIGHEST AVERAGE SALARY CALCULATION. THE FIFTH ANNUAL SALARY TO
BE USED IN THE HIGHEST AVERAGE SALARY CALCULATION SHALL BE THE
ACTUAL SALARY REPORTED UP TO ONE HUNDRED EIGHT PERCENT OF THE
FOURTH ANNUAL SALARY USED IN THE HIGHEST AVERAGE SALARY
CALCULATION. THIS SUBSECTION (25)(b)(VI) DOES NOT APPLY TO
MEMBERS OF THE JUDICIAL DIVISION, EXCEPT FOR DPS MEMBERS OF THE
JUDICIAL DIVISION WHO HAVE EXERCISED PORTABILITY PURSUANT TO
SECTION 24-51-1747 AND SELECTED THE DPS BENEFIT STRUCTURE. THIS
SUBSECTION (25)(b)(VI) APPLIES TO DPS MEMBERS IN ACCORDANCE WITH
SECTION 24-51-1702 (17).

(VII) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
SUBSECTION (25)(b), FOR MEMBERS OF THE JUDICIAL DIVISION WHO DO
NOT HAVE FIVE YEARS OF SERVICE CREDIT ON DECEMBER 31, 2019, OR FOR
MEMBERS OF THE JUDICIAL DIVISION WHO WERE NOT MEMBERS, INACTIVE MEMBERS, OR RETIREES ON DECEMBER 31, 2019, THE ASSOCIATION SHALL DETERMINE THE HIGHEST ANNUAL SALARIES ASSOCIATED WITH FOUR PERIODS OF TWELVE CONSECUTIVE MONTHS OF SERVICE CREDIT. THE LOWEST OF SUCH ANNUAL SALARIES SHALL BE THE BASE SALARY. THE FIRST ANNUAL SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY CALCULATION SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE HUNDRED EIGHT PERCENT OF THE BASE SALARY. THE SECOND ANNUAL SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY CALCULATION SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE HUNDRED EIGHT PERCENT OF THE FIRST ANNUAL SALARY USED IN THE HIGHEST AVERAGE SALARY CALCULATION. THE THIRD ANNUAL SALARY TO BE USED IN THE HIGHEST AVERAGE SALARY CALCULATION SHALL BE THE ACTUAL SALARY REPORTED UP TO ONE HUNDRED EIGHT PERCENT OF THE SECOND ANNUAL SALARY USED IN THE HIGHEST AVERAGE SALARY CALCULATION.

(42) (a) (I) "Salary" means, FOR MEMBERS WHO WERE MEMBERS, INACTIVE MEMBERS, OR RETIREES OF THE ASSOCIATION ON DECEMBER 31, 2019, compensation for services rendered to an employer and includes: Regular salary or pay; any pay for administrative, sabbatical, annual, sick, vacation, or personal leave AND COMPENSATION FOR UNUSED LEAVE CONVERTED TO CASH PAYMENTS; pay for compensatory time or holidays; payments by an employer from grants; amounts deducted from pay pursuant to tax-sheltered savings or retirement programs; amounts deducted from pay for a health savings account as defined in 26 U.S.C. sec. 223, as amended, or any other type of retirement health savings account program; performance or merit payments, if approved by the board; special pay for work-related injuries paid by the employer prior to
termination of membership; and retroactive salary payments pursuant to
court orders, arbitration awards, or litigation and grievance settlements.

(b) (II) FOR MEMBERS WHO WERE MEMBERS, INACTIVE MEMBERS,
OR RETIREES OF THE ASSOCIATION ON DECEMBER 31, 2019, "salary" does
not include: Commissions; compensation for unused sick leave converted
at any time to cash payments; compensation for unused sick, annual,
vacation, administrative, or other accumulated paid leave contributed to
a health savings account as defined in 26 U.S.C. sec. 223, as amended, or
a retirement health savings program; housing allowances; uniform
allowances; automobile usage; insurance premiums; dependent care
assistance; reimbursement for expenses incurred; tuition or any other
fringe benefits, regardless of federal taxation; bonuses for services not
actually rendered, including, but not limited to, early retirement
inducements, Christmas bonuses, cash awards, honorariums and
severance pay, damages, except for retroactive salary payments paid
pursuant to court orders or arbitration awards or litigation and grievance
settlements, or payments beyond the date of a member's death.

(b) (I) "SALARY" MEANS, FOR MEMBERS WHO WERE NOT MEMBERS,
INACTIVE MEMBERS, OR RETIREES OF THE ASSOCIATION ON JUNE 30, 2019,
COMPENSATION FOR SERVICES RENDERED TO AN EMPLOYER AND
INCLUDES: REGULAR SALARY OR PAY; ANY PAY FOR ADMINISTRATIVE,
SABBATICAL, ANNUAL, SICK, VACATION, OR PERSONAL LEAVE AND
COMPENSATION FOR UNUSED LEAVE CONVERTED TO CASH PAYMENTS; PAY
FOR COMPENSATORY TIME OR HOLIDAYS; PAYMENTS BY AN EMPLOYER
FROM GRANTS; AMOUNTS DEDUCTED FROM PAY PURSUANT TO
TAX-SHELTERED SAVINGS OR RETIREMENT PROGRAMS; AMOUNTS
DEDUCTED FROM PAY FOR A HEALTH SAVINGS ACCOUNT AS DEFINED IN 26
U.S.C. sec. 223, as amended, or any other type of retirement health savings account program; amounts deducted from pay pursuant to a cafeteria plan as defined in 26 U.S.C. sec. 125, as amended; a qualified transportation fringe benefit plan as defined in 26 U.S.C. sec. 132, as amended; performance or merit payments, if approved by the board; special pay for work-related injuries paid by the employer prior to termination of membership; and retroactive salary payments pursuant to court orders, arbitration awards, or litigation and grievance settlements.

(II) For members who were not members, inactive members, or retirees of the association on June 30, 2019, "salary" does not include: commissions; compensation for unused sick, annual, vacation, administrative, or other accumulated paid leave contributed to a health savings account as defined in 26 U.S.C. sec. 223, as amended, or a retirement health savings program; housing allowances; uniform allowances; automobile usage; insurance premiums paid by employers; reimbursement for expenses incurred; tuition or any other fringe benefits, regardless of federal taxation; bonuses for services not actually rendered, including, but not limited to, early retirement inducements, Christmas bonuses, cash awards, honorariums and severance pay, damages, except for retroactive salary payments paid pursuant to court orders or arbitration awards or litigation and grievance settlements, or payments beyond the date of a member's death.

(46) "State trooper" means an employee of the Colorado state patrol, Colorado bureau of investigation, or successors to these agencies,
who is vested with the powers of peace officers as provided for in section 24-33.5-409. In addition, for members who were not members, inactive members, or retirees on December 31, 2019, "state trooper" includes a county sheriff, undersheriff, deputy sheriff, noncertified deputy sheriff, or detention officer hired by a local government division employer on or after January 1, 2020, and a corrections officer classified as I through IV hired by a state division employer on or after January 1, 2020.

SECTION 3. In Colorado Revised Statutes, add 24-51-221 as follows:

24-51-221. Information provided to employer - salary definition. An employer may request information from the association to determine whether to use "salary" as defined in section 24-51-101 (42)(a) or as defined in section 24-51-101 (42)(b), when the employer hires an employee who is a current member or retiree of the association. The association shall provide such information to the employer upon request.

SECTION 4. In Colorado Revised Statutes, 24-51-313, amend (1) as follows:

24-51-313. Termination of affiliation - employer assigned to local government division - requirements. (1) Any political subdivision within the state of Colorado or any public agency created by such a political subdivision that is an employer affiliated with the association pursuant to the provisions of section 24-51-309 and that is assigned to the local government division may make application to the board to terminate the affiliation of the employer with the association. The application shall be made by submitting to the board an ordinance or
resolution that has been adopted by the governing body of the employer and that has been approved by at least sixty-five percent of the employees of the employer who are members. Such employee members of the employer shall be notified in writing of the provisions of section 24-51-321 prior to a vote on an ordinance or resolution to terminate the affiliation of the employer with the association. NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (1), ANY SUCH EMPLOYER THAT CEASES OPERATIONS OR CEASES TO PARTICIPATE IN THE ASSOCIATION FOR ANY REASON SHALL BE DEEMED TO HAVE TERMINATED ITS AFFILIATION WITH THE ASSOCIATION AND MUST COMPLY WITH THE PROVISIONS OF SECTIONS 24-51-315 THROUGH 24-51-319.

SECTION 5. In Colorado Revised Statutes, 24-51-315, amend (1) and (2); and add (5) and (6) as follows:

24-51-315. Termination of affiliation - reserves requirement.

(1) The board shall have the authority to determine the amount of reserves required as of the effective date of termination of affiliation to:

(a) Maintain current benefits payable by the association to benefit recipients and to preserve the vested rights of inactive members; The amount of reserves shall be determined by the board utilizing certified actuarial reports prepared by the actuary. The actuarial report shall also certify that the termination of affiliation shall not have an adverse financial impact on the actuarial soundness of the local government division trust fund. If the actuary determines, in accordance with accepted actuarial principles, that the termination of affiliation shall have an adverse financial impact on the actuarial soundness of the local government division trust fund, the applicant shall not be permitted to terminate affiliation; AND
(b) FULLY FUND THE LIABILITY FOR BENEFITS PAYABLE BY THE ASSOCIATION FROM THE HEALTH CARE TRUST FUND CREATED BY SECTION 24-51-1201(1) TO CURRENT AND FUTURE BENEFIT RECIPIENTS PURSUANT TO PART 12 OF THIS ARTICLE 51.

(2) THE AMOUNT OF RESERVES REQUIRED UNDER SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION SHALL BE DETERMINED BY THE BOARD UTILIZING CERTIFIED ACTUARIAL REPORTS PREPARED BY THE ACTUARY. THE ACTUARIAL STUDY SHALL BE CONDUCTED USING ASSUMPTIONS APPROVED BY THE BOARD. THE ACTUARIAL REPORT SHALL ALSO CERTIFY THAT THE TERMINATION OF AFFILIATION SHALL NOT HAVE AN ADVERSE FINANCIAL IMPACT ON THE ACTUARIAL SOUNDNESS OF THE LOCAL GOVERNMENT DIVISION TRUST FUND. IF THE ACTUARY DETERMINES, IN ACCORDANCE WITH ACCEPTED ACTUARIAL PRINCIPLES, THAT THE TERMINATION OF AFFILIATION SHALL HAVE AN ADVERSE FINANCIAL IMPACT ON THE ACTUARIAL SOUNDNESS OF THE LOCAL GOVERNMENT DIVISION TRUST FUND, THE APPLICANT SHALL NOT BE PERMITTED TO TERMINATE AFFILIATION. On the effective date of termination of affiliation, the actuarial reports prepared pursuant to the provisions of subsection (1) of this section shall be updated to finalize the amount of reserves required for the purposes specified in subsection (1) of this section. The employer making the application and the employees of such employer who are members shall not be required to make any contributions to the association subsequent to the effective date of termination.

(5) THE DISCOUNT RATE USED FOR DETERMINING THE AMOUNT OF RESERVES IN SUBSECTION (1) OF THIS SECTION SHALL BE THE ACTUARIAL INVESTMENT ASSUMPTION RATE AS SET BY THE BOARD PURSUANT TO
SECTIONS 24-51-101 (2) AND 24-51-204 (5) MINUS TWO HUNDRED BASIS
POINTS.

(6) DETERMINATIONS MADE BY THE BOARD IN THIS SECTION AND
SECTIONS 24-51-313 AND 24-51-316, SHALL BE APPEALED THROUGH THE
ADMINISTRATIVE REVIEW PROCEDURES SET FORTH IN THE BOARD RULES.
SUCH FINAL DECISION BY THE BOARD SHALL BE SUBJECT ONLY TO REVIEW
BY PROPER COURT ACTION.

SECTION 6. In Colorado Revised Statutes, amend 24-51-316 as
follows:

24-51-316. Inadequate reserves - excess reserves -
nonpayment. (1) (a) In the event that the amount of the reserves required
pursuant to the provisions of section 24-51-315 SECTION 24-51-315 (1)(a),
exceeds the amount of the employer's share of the employer contribution
reserve in the local government division trust fund as calculated by the
actuary, then the employer shall make an additional payment as of the
effective date of termination of affiliation in an amount equal to the
difference between the amount of reserves required and the amount of
reserves on deposit.

(b) IN THE EVENT THAT THE RESERVES REQUIRED PURSUANT TO
SECTION 24-51-315 (1)(b) FOR THE HEALTH CARE TRUST FUND CREATED
BY SECTION 24-51-1201 (1) EXCEEDS THE MARKET VALUE OF ASSETS
ATTRIBUTABLE TO THE EMPLOYER IN THE HEALTH CARE TRUST FUND, THE
EMPLOYER SHALL MAKE AN ADDITIONAL PAYMENT AS OF THE EFFECTIVE
DATE OF TERMINATION OF AFFILIATION IN AN AMOUNT EQUAL TO THE
DIFFERENCE BETWEEN THE AMOUNT OF RESERVES REQUIRED AND THE
AMOUNT OF RESERVES ON DEPOSIT.

(c) IF THE ACTUARY DETERMINES, IN ACCORDANCE WITH
ACCEPTED ACTUARIAL PRINCIPLES, THAT THE TERMINATION OF
AFFILIATION OF THE EMPLOYER SHALL HAVE AN ADVERSE FINANCIAL
IMPACT ON THE FUNDING OF THE HEALTH CARE TRUST FUND CREATED BY
SECTION 24-51-1201 (1), THE EMPLOYER SHALL MAKE ANY ADDITIONAL
PAYMENT NECESSARY TO ENSURE THAT THE IMPACT ON THE FUNDING OF
THE HEALTH CARE TRUST FUND REMAINS UNCHANGED UPON THE
EMPLOYER’S TERMINATION OF AFFILIATION.

(2) In the event that the amount of the reserves on deposit in the
local government division trust fund as calculated by the actuary for the
employer requesting termination of affiliation exceeds the amount of
reserves required pursuant to the provisions of section 24-51-315
SECTION
24-51-315 (1), such excess amount and the amount required for the
transfer of member contributions as provided in section 24-51-317 shall
be transferred by a direct trustee-to-trustee transfer to the alternate
pension plan or system required by section 24-51-319 as of the effective
date of termination of affiliation.

(3) If any payment required pursuant to the provisions of
subsection (1) or (2) of this section is not made, interest shall be assessed
on the amount due at the rate specified for employers in section
24-51-101 (28). INTEREST SHALL BE CALCULATED FROM THE EFFECTIVE
DATE OF TERMINATION until such amount is paid in full.

SECTION 7. In Colorado Revised Statutes, amend 24-51-317 as
follows:

24-51-317. Termination of affiliation - member contributions.
(+) Members who have less than five years of service credit and are
employees of an employer which has terminated its affiliation with
the association shall BECOME INACTIVE MEMBERS AS OF THE EFFECTIVE
DATE OF TERMINATION OF AFFILIATION. SUCH MEMBERS MAY ELECT TO have their member contributions credited to the alternative pension plan or system required by section 24-51-319. IN THE ABSENCE OF SUCH AN ELECTION, MEMBER CONTRIBUTIONS WILL REMAIN WITH THE ASSOCIATION UNLESS THE MEMBER OTHERWISE ELECTS TO REFUND SUCH CONTRIBUTIONS IN ACCORDANCE WITH SECTION 24-51-405.

(2) Members who have five or more years of service credit and are employees of an employer which has terminated its affiliation with the association may elect that their accounts remain with the association by giving written notice to the association prior to the effective date of termination of affiliation. Members who make such an election shall become inactive members entitled to vested benefits as of the effective date of termination of affiliation. Members who do not make such an election shall have their member contributions credited to the alternative pension plan or system required by section 24-51-319.

SECTION 8. In Colorado Revised Statutes, amend 24-51-319 as follows:

24-51-319. Retirement plan - creation and use. An employer which terminates its affiliation with the association shall utilize an existing, or shall establish an alternative, pension plan or system established pursuant to the provisions of article 54 of this title TITLE 24. FAILURE TO UTILIZE OR ESTABLISH AN ALTERNATIVE PENSION PLAN OR SYSTEM DOES NOT EXCUSE THE EMPLOYER FROM THE ADHERENCE TO THE REMAINDER OF THE TERMINATION OF AFFILIATION PROVISIONS OF THIS PART 3.

SECTION 9. In Colorado Revised Statutes, 24-51-401, amend (1.7)(a); and repeal (1.7)(f) as follows:
24-51-401. Employer and member contributions. (1.7) (a)

Employers shall deliver a contribution report and the full amount of employer contributions, member contributions, and working retiree contributions to the association within five days after the date members and retirees are paid. Except as provided in paragraph (f) of this subsection (1.7) THIS SUBSECTION (1.7)(a), subsection (7) of this section, and section 24-51-408.5, such contributions shall be based upon the rates for the appropriate division as set forth in the following table multiplied by the salary, as defined in section 24-51-101 (42), paid to members and retirees for the payroll period:

<table>
<thead>
<tr>
<th>Division</th>
<th>Membership</th>
<th>Employer Rate</th>
<th>Member Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>All Members</td>
<td>10.15%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Except</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Troopers</td>
<td></td>
<td>12.85%</td>
<td>10.0%</td>
</tr>
<tr>
<td>School</td>
<td>All Members</td>
<td>10.15%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Local</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td>All Members</td>
<td>10.0%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Judicial</td>
<td>All Members</td>
<td>13.66%</td>
<td>8.0%</td>
</tr>
<tr>
<td>DPS</td>
<td>All Members</td>
<td>10.15%</td>
<td>8.0%</td>
</tr>
</tbody>
</table>

(f) (f) For the 2010-11 and 2011-12 state fiscal years, except as provided in subsection (7) of this section and section 24-51-408.5, the amount of employer and member contributions for employers and members in the state and judicial divisions of the association shall be based upon the rates for the appropriate division as set forth in the
following table multiplied by the salary, as defined in section 24-51-101 (42), paid to members and retirees for the payroll period:

**TABLE A.5**

**CONTRIBUTION RATES**

<table>
<thead>
<tr>
<th>Division</th>
<th>Membership</th>
<th>Employer Rate</th>
<th>Member Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>All Members</td>
<td>7.65%</td>
<td>10.5%</td>
</tr>
<tr>
<td></td>
<td>Except</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Troopers</td>
<td></td>
<td>10.35%</td>
<td>12.5%</td>
</tr>
<tr>
<td>Judicial</td>
<td>All Members</td>
<td>11.16%</td>
<td>10.5%</td>
</tr>
</tbody>
</table>

(II) For the 2010-11 and 2011-12 state fiscal years, the employer and member contribution rates for employers and members in the school, local government, and Denver public schools divisions of the association shall be calculated pursuant to paragraph (a) of this subsection (1.7):

**SECTION 10.** In Colorado Revised Statutes, add 24-51-413, 24-51-414, and 24-51-415 as follows:

**24-51-413.** Contribution and annual increase amount changes - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Blend Total Contribution Amount" means the weighted average of the total amounts paid by the employer and the member to the association for each of the five divisions pursuant to sections 24-51-401 (1.7) and 24-51-411, and the amount the association receives pursuant to section 24-51-415, but shall not include the portion of the employer contribution remitted to the health care trust fund pursuant to section 24-51-208 (1)(f) and (1)(f.5) and the portion of the employer contribution remitted to the annual increase reserve.
(b) "BLENDED TOTAL REQUIRED CONTRIBUTION" MEANS THE WEIGHTED AVERAGE OF THE TOTAL OF THE ASSOCIATION'S REPORTED ACTUARILY DETERMINED CONTRIBUTION RATES AND MEMBER CONTRIBUTION RATES OF THE FIVE DIVISION TRUST FUNDS.

(c) "WEIGHTED AVERAGE" MEANS THE PROPORTION OF UNFUNDED ACTUARIAL ACCRUED LIABILITY ATTRIBUTABLE TO EACH DIVISION REPORTED AS OF THE MOST RECENT VALUATION DATE.

(2) BEGINNING JULY 1, 2019, AND EACH JULY 1 THEREAFTER, EMPLOYER CONTRIBUTION RATES, MEMBER CONTRIBUTION RATES, AND ANNUAL INCREASE AMOUNTS SHALL REMAIN UNCHANGED UNTIL SUCH TIME AS CHANGES ARE REQUIRED PURSUANT TO THIS SECTION.

(3) WHEN THE BLENDED TOTAL CONTRIBUTION AMOUNT IS LESS THAN NINETY-EIGHT PERCENT OF THE BLENDED TOTAL REQUIRED CONTRIBUTION, THE FOLLOWING ADJUSTMENT SHALL OCCUR:

(a) THE ANNUAL INCREASE PERCENTAGE DETERMINED PURSUANT TO SECTIONS 24-51-1002 AND 24-51-1009 (4)(a) SHALL BE REDUCED BY UP TO ONE-QUARTER OF ONE PERCENT, BUT AT NO TIME WILL THE ANNUAL INCREASE PERCENTAGE BE REDUCED TO EQUAL LESS THAN ONE-HALF OF ONE PERCENT, EXCEPT AS PROVIDED IN SECTIONS 24-51-1002 (1.5) AND 24-51-1009 (1.5);

(b) THE EMPLOYER CONTRIBUTION RATE WILL BE INCREASED BY UP TO ONE-HALF OF ONE PERCENT, BUT AT NO TIME WILL THE EMPLOYER CONTRIBUTION RATE BE INCREASED TO EXCEED THE EMPLOYER CONTRIBUTION RATES UNDER SECTION 24-51-401 (1.7)(a), PLUS TWO PERCENT; AND

(c) THE MEMBER CONTRIBUTION RATE WILL BE INCREASED BY UP TO ONE-HALF OF ONE PERCENT, BUT AT NO TIME WILL THE MEMBER
CONTRIBUTION RATE BE INCREASED TO EXCEED THE MEMBER CONTRIBUTION RATES UNDER SECTION 24-51-401 (1.7)(a), PLUS TWO PERCENT.

(4) The adjustment in subsection (3) of this section shall be determined by the association, shall be equally apportioned among the annual increases, the employer contributions, and the member contributions, and shall be the maximum yearly adjustment allowed unless an adjustment less than the maximum adjustment is sufficient to bring the blended total contribution amount to one hundred and three percent of the blended total required contribution. In no event shall a yearly adjustment cause the blended total contribution amount to exceed one hundred and three percent of the blended total required contribution. The adjustment shall be made once in any calendar year and shall not exceed the maximum yearly amounts indicated in subsections (3)(a), (3)(b), and (3)(c) of this section.

(5) In the event any one of the three component parts of the adjustment as outlined in subsection (3) of this section has reached its total maximum, then no further adjustment shall be made under subsections (3) and (4) of this section. In this case, adjustments to the other two components will not be further altered to complete the full adjustment, but rather be adjusted in equivalent measure to the limited component to ensure that the adjustment is equally apportioned, even if the fully required adjustment to bring the blended total contribution amount to one hundred and three percent of the blended total.
REQUIRED CONTRIBUTION IS NOT ACHIEVED.

(6) WHEN THE BLENDED TOTAL CONTRIBUTION AMOUNT IS GREATER THAN OR EQUAL TO ONE HUNDRED AND TEN PERCENT OF THE BLENDED TOTAL REQUIRED CONTRIBUTION, THE FOLLOWING ADJUSTMENT SHALL OCCUR:

(a) SUBJECT TO SECTIONS 24-51-1002 (1.5) AND 24-51-1009 (1.5), THE ANNUAL INCREASE PERCENTAGE DETERMINED PURSUANT TO SECTIONS 24-51-1002 AND 24-51-1009 (4)(a), SHALL BE INCREASED BY UP TO ONE-QUARTER OF ONE PERCENT, BUT AT NO TIME WILL THE ANNUAL INCREASE PERCENTAGE BE GREATER THAN TWO PERCENT, EXCEPT AS PROVIDED IN SECTION 24-51-1009.5;

(b) THE EMPLOYER CONTRIBUTION RATE WILL BE REDUCED BY UP TO ONE-HALF OF ONE PERCENT, BUT AT NO TIME WILL THE EMPLOYER CONTRIBUTION RATE BE LESS THAN THE EMPLOYER CONTRIBUTION RATES UNDER SECTION 24-51-401 (1.7)(a); AND

(c) THE MEMBER CONTRIBUTION RATE WILL BE REDUCED BY UP TO ONE-HALF OF ONE PERCENT, BUT AT NO TIME WILL THE MEMBER CONTRIBUTION RATE BE LESS THAN THE MEMBER CONTRIBUTION RATES UNDER SECTION 24-51-401 (1.7)(a).

(7) THE ADJUSTMENT IN SUBSECTION (6) OF THIS SECTION SHALL BE DETERMINED BY THE ASSOCIATION, SHALL BE EQUALLY APPORTIONED AMONG THE ANNUAL INCREASES, THE EMPLOYER CONTRIBUTIONS, AND THE MEMBER CONTRIBUTIONS, AND SHALL BE THE MAXIMUM YEARLY ADJUSTMENT ALLOWED UNLESS AN AMOUNT LOWER THAN THE MAXIMUM ADJUSTMENT IS NECESSARY TO KEEP THE BLENDED TOTAL CONTRIBUTION AMOUNT EQUAL TO ONE HUNDRED AND THREE PERCENT OF THE BLENDED TOTAL REQUIRED CONTRIBUTION. IN NO EVENT SHALL A YEARLY
ADJUSTMENT CAUSE THE BLENDED TOTAL CONTRIBUTION AMOUNT TO FALL BELOW ONE HUNDRED AND THREE PERCENT OF THE BLENDED TOTAL REQUIRED CONTRIBUTION. THE ADJUSTMENT SHALL BE MADE ONCE IN ANY CALENDAR YEAR AND SHALL NOT EXCEED THE MAXIMUM YEARLY AMOUNTS SPECIFIED IN SUBSECTIONS (6)(a), (6)(b), AND (6)(c) OF THIS SECTION.

(8) THE ADJUSTMENTS PURSUANT TO THIS SECTION SHALL BE DETERMINED BASED ON THE BLENDED TOTAL CONTRIBUTION AMOUNT AND BLENDED TOTAL REQUIRED CONTRIBUTION AS REPORTED IN THE ANNUAL ACTUARIAL VALUATION REPORT REQUIRED UNDER SECTION 24-51-204(7), AND SHALL BE EFFECTIVE JULY 1 OF THE NEXT CALENDAR YEAR FOR CONTRIBUTIONS AND JULY 1 OF THE NEXT CALENDAR YEAR FOR ANNUAL INCREASES. THE FIRST ADJUSTMENT PURSUANT TO THIS SECTION SHALL NOT OCCUR BEFORE JULY 1, 2020.

24-51-415. Direct distribution. (1) ON JULY 1, 2018, THE STATE TREASURER SHALL ISSUE A WARRANT TO THE ASSOCIATION IN AN AMOUNT EQUAL TO TWO HUNDRED TWENTY-FIVE MILLION DOLLARS. SUCH AMOUNT SHALL BE PAID TO THE ASSOCIATION FROM THE GENERAL FUND. ON JULY 1, 2019, THE STATE TREASURER SHALL ISSUE A WARRANT TO THE ASSOCIATION IN AN AMOUNT EQUAL TO TWO HUNDRED FIFTY-FIVE MILLION SIX HUNDRED SIX THOUSAND DOLLARS. SUCH AMOUNT SHALL BE PAID TO THE ASSOCIATION FROM THE GENERAL FUND OR FROM ANY OTHER FUND. ON JULY 1, 2020, AND ON JULY 1 EACH YEAR THEREAFTER UNTIL THERE ARE NO UNFUNDED ACTUARIAL ACCRUED LIABILITIES OF ANY DIVISION OF THE ASSOCIATION THAT RECEIVES THE DISTRIBUTION PURSUANT TO THIS SUBSECTION (1), THE STATE TREASURER SHALL ISSUE A WARRANT TO THE
association in an amount equal to three percent of the association’s most current audited payroll; except that the association’s most current audited payroll shall not include payroll for the local government division of the association. Such amount shall be paid to the association from the general fund or from any other fund.

(2) The distribution pursuant to subsection (1) of this section shall end when there are no unfunded actuarial accrued liabilities of any division of the association that receives such distribution. By September 1, 2019, and by September 1 of each year thereafter, until the distribution pursuant to subsection (1) of this section is no longer required, the board shall determine whether the sum of the employer and member contributions pursuant to section 24-51-401 (1.7)(a), the contributions pursuant to section 24-51-411, and the distribution pursuant to subsection (1) of this section, is greater than the amount necessary to eliminate the unfunded actuarial accrued liability of each division of the association that receives the distribution in the next fiscal year. If the board determines that the total amount of the distribution pursuant to subsection (1) of this section will not be required to eliminate the unfunded actuarial accrued liability of each division of the association that receives the distribution, the board shall notify the office of state planning and budgeting and the joint budget committee of the general assembly by September 1 of the applicable year.

(3) The association shall allocate the direct distribution to the trust funds of each division of the association as it would
AN EMPLOYER CONTRIBUTION, IN A MANNER THAT IS PROPORTIONATE TO THE ANNUAL PAYROLL OF EACH DIVISION AS REPORTED TO THE ASSOCIATION; EXCEPT THAT THE ASSOCIATION SHALL NOT ALLOCATE ANY PORTION OF THE DIRECT DISTRIBUTION AMOUNT TO THE LOCAL GOVERNMENT DIVISION OF THE ASSOCIATION.

(4) MONEY DISTRIBUTED TO THE ASSOCIATION PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE INCLUDED FOR INFORMATIONAL PURPOSES IN THE ANNUAL GENERAL APPROPRIATION BILL OR IN SUPPLEMENTAL APPROPRIATION BILLS FOR THE PURPOSE OF COMPLYING WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION 24-77-103.

SECTION 11. In Colorado Revised Statutes, 24-51-602, amend (1.7)(a), (1.8)(a), and (2); and add (1.9) and (2.3) as follows:

24-51-602. Service retirement eligibility. (1.7) (a) Members, EXCEPT STATE TROOPERS, who were not members, inactive members, or retirees on December 31, 2016, BUT WHO WERE MEMBERS, INACTIVE MEMBERS, OR RETIREES ON DECEMBER 31, 2019, who have met the age and service requirements stated in the following table and who are not eligible for service retirement benefits pursuant to subsection (1.8) of this section shall, upon written application and approval of the board, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603:

TABLE B.3
SERVICE RETIREMENT ELIGIBILITY

<table>
<thead>
<tr>
<th>Age Requirement (years)</th>
<th>Service Credit Requirement (years)</th>
</tr>
</thead>
</table>

-27-
Members of the school division or Denver public schools division who were not members, inactive members, or retirees on December 31, 2016, but who were members, inactive members, or retirees on December 31, 2019, who have met the age and service requirements stated in the following table shall, upon written application and approval of the board, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603; except that at least the most recent ten years of service credit used in meeting the requirements of the table below must be earned in the school or Denver public schools divisions in order for the member to be eligible pursuant to this paragraph (a) subsection (1.8)(a):

**TABLE B.4**

**SERVICE RETIREMENT ELIGIBILITY**

<table>
<thead>
<tr>
<th>Age Requirement (years)</th>
<th>Service Credit Requirement (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Age</td>
<td>35</td>
</tr>
<tr>
<td>58</td>
<td>30</td>
</tr>
<tr>
<td>65</td>
<td>5</td>
</tr>
</tbody>
</table>

Members, except state troopers, who were not members, inactive members, or retirees on December 31, 2019, who have met the age and service requirements stated in the following table shall, upon written application and approval of the board, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603 (1), (2), and (3):
TABLE B.5

SERVICE RETIREMENT ELIGIBILITY

<table>
<thead>
<tr>
<th>AGE REQUIREMENT</th>
<th>SERVICE CREDIT REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(YEARS)</td>
<td>(YEARS)</td>
</tr>
<tr>
<td>Any Age</td>
<td>40</td>
</tr>
<tr>
<td>60</td>
<td>5</td>
</tr>
</tbody>
</table>

(b) Subsection (1.9)(a) of this section does not create a contractual right for any member to the age requirement specified in Table B.5 to receive a full service retirement benefit.

(2) (a) Members with less than five years of service credit shall be eligible for service retirement benefits pursuant to the provisions of section 24-51-605.5 upon reaching sixty-five years of age if contributions were made for sixty months State Troopers who were not members, inactive members, or retirees on December 31, 2019, who have met the age and service requirements stated in the following table shall, upon written application and approval of the board, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603 (1) and (3):

TABLE B.6

SERVICE RETIREMENT ELIGIBILITY

<table>
<thead>
<tr>
<th>AGE REQUIREMENT</th>
<th>SERVICE CREDIT REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(YEARS)</td>
<td>(YEARS)</td>
</tr>
<tr>
<td>Any Age</td>
<td>35</td>
</tr>
<tr>
<td>55</td>
<td>25</td>
</tr>
<tr>
<td>65</td>
<td>5</td>
</tr>
</tbody>
</table>

(b) State Troopers who are eligible for a benefit pursuant to this subsection (2) and who are fifty-five years of age or
OLDER SHALL, UPON WRITTEN APPLICATION AND APPROVAL OF THE BOARD, receive service retirement benefits pursuant to the benefit formula set forth in section 24-51-603, without reduction pursuant to section 24-51-604, if they have at least five years of service credit and if the number of years of their age plus the number of years of their service credit equals eighty years or more. This subsection (2) does not create a contractual right for any member to the age requirement specified in table B.6 to receive a full service retirement benefit.

(2.3) Members with less than five years of service credit shall be eligible for service retirement benefits pursuant to section 24-51-605.5 upon reaching sixty-five years of age if contributions were made for sixty months.

SECTION 12. In Colorado Revised Statutes, amend 24-51-604 as follows:

24-51-604. Reduced service retirement eligibility. (1) DPS members with less than five years of service credit as of January 1, 2011, and members who were members, inactive members, or retirees on December 31, 2019, and who have met the age and service credit requirements stated in the following table and who do not meet the requirements of section 24-51-602 shall, upon written application and approval of the board, receive reduced service retirement benefits pursuant to the benefit formula set forth in section 24-51-605:

<table>
<thead>
<tr>
<th>TABLE C</th>
<th>REDUCED SERVICE RETIREMENT ELIGIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age Requirement</td>
<td>Service Credit Requirement</td>
</tr>
</tbody>
</table>

-30-
Member who were not members, inactive members, or retirees on December 31, 2019, who have met the age and service credit requirements stated in the following table and who do not meet the requirements of section 24-51-602 shall, upon written application and approval of the board, receive reduced service retirement benefits pursuant to the benefit formula set forth in section 24-51-605:

**TABLE C.1**

**REDUCED SERVICE RETIREMENT ELIGIBILITY**

<table>
<thead>
<tr>
<th>AGE REQUIREMENT (YEARS)</th>
<th>SERVICE CREDIT REQUIREMENT (YEARS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>25</td>
</tr>
<tr>
<td>55 State Troopers only</td>
<td>20</td>
</tr>
<tr>
<td>60</td>
<td>5</td>
</tr>
</tbody>
</table>

SECTION 13. In Colorado Revised Statutes, 24-51-606, amend (1.5) and (2)(b) as follows:

**24-51-606. Vested inactive member rights.** (1.5) Any member who was not a member, inactive member, or retiree on December 31, 2006, who has earned at least five years of service credit and who terminates membership and does not elect to receive a refund pursuant to the provisions of section 24-51-405 shall be eligible for a benefit to
become effective upon written application and approval by the board and
upon reaching the age specified in table B.05, B.07, or B.1 TABLE B.05,
B.07, B.1, B.2, B.3, B.4, B.5, OR B.6 of section 24-51-602, as applicable,
for a service retirement or in table C TABLE C OR C.1 of section 24-51-604
for a reduced service retirement. Notwithstanding the provisions of this
subsection (1.5), for such a member who applies for retirement within
ninety days after the member attains age and service eligibility, the
effective date of retirement shall be the date the member attains such age
and service eligibility.

(2) (b) Direct payments in lieu of member contributions are
calculated at the current APPLICABLE member contribution rates
Pursuant to Section 24-51-401 (1.7), multiplied by the most recent
full-time monthly salary paid for the position previously held by the
vested inactive member.

SECTION 14. In Colorado Revised Statutes, amend 24-51-1001
as follows:

24-51-1001. Types of benefit increases. (1) For benefit
recipients whose benefits are based on the account of a member who was
a member, inactive member, or retiree on December 31, 2006, or for
benefit recipients whose benefits are based on the account of a DPS
member or DPS retiree, annual increases in retirement benefits and
survivor benefits shall be effective with the July benefit. Such increases
in benefits shall be calculated in accordance with the provisions of
sections 24-51-1002 and 24-51-1003, SUBJECT TO SECTION 24-51-413,
and shall be paid from the retirement benefits reserve or the survivor
benefits reserve, as appropriate, so long as the following requirements are
satisfied:
(a) For benefit recipients whose benefit is based on a retiree or DPS retiree whose effective date of retirement is prior to January 1, 2011, or whose survivor benefits are based on a date of death that occurred prior to January 1, 2011, the benefits have been paid to the benefit recipient for at least seven months preceding July 1.

(b) For benefit recipients whose benefit is based on a retiree or DPS retiree whose effective date of retirement is on or after January 1, 2011, or whose survivor benefits are based on a date of death that is on or after January 1, 2011, AND AN ANNUAL INCREASE HAS BEEN APPLIED TO THE BENEFIT ON OR BEFORE MAY 1, 2018, the benefits have been paid to the benefit recipient for the twelve months prior to July 1, and for benefit recipients whose benefit is based upon a retiree or DPS retiree who was not eligible to retire as of January 1, 2011, THE BENEFITS HAVE BEEN PAID TO THE BENEFIT RECIPIENT FOR THE TWELVE MONTHS PRIOR TO JULY 1 AND AN ANNUAL INCREASE HAS BEEN APPLIED TO THE BENEFIT ON OR BEFORE MAY 1, 2018, the retiree met the following requirements:

(I) For DPS members with five or more years of service credit as of January 1, 2011, and for members WHO ARE NOT STATE TROOPERS who began membership prior to July 1, 2005, and have five or more years of service credit as of January 1, 2011, the retiree retired with a service retirement benefit pursuant to section 24-51-602 or 24-51-1713, whichever is applicable, or retired with a reduced service retirement benefit pursuant to section 24-51-604 or 24-51-1714, whichever is applicable, but has, as of January 1, attained the age and service credit years that when combined total at least eighty years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of sixty;
(II) For members who are not state troopers who began membership on or after July 1, 2005, but prior to January 1, 2007, the retiree retired with a service retirement benefit pursuant to section 24-51-602, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age and service credit years that when combined total at least eighty-five years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of sixty; or

(III) For DPS members with less than five years of service credit as of January 1, 2011, and for members whose membership began prior to January 1, 2007, with less than five years of service credit as of January 1, 2011, the retiree retired with a service retirement benefit pursuant to section 24-51-602, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age and service credit years that when combined total at least eighty-five years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of sixty; or

(IV) For members who are state troopers and who were members, inactive members, or retirees on December 31, 2006, the retiree retired with a service retirement benefit pursuant to section 24-51-602 or retired with a reduced service retirement benefit pursuant to section 24-51-604, but has, as of January 1, attained the age and service credit years, when weighted with non-state trooper service credit, that combined total at least seventy-five years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of fifty-five.
(b.5) For benefit recipients whose benefit is based on a
retiree or DPS retiree whose effective date of retirement is on
or after January 1, 2011, or whose survivor benefits are based on
a date of death that is on or after January 1, 2011, and an
annual increase has not been applied to the retirement or
survivor benefit on or before May 1, 2018, the benefits have been
paid to the benefit recipient for thirty-six months total before
July 1, and benefits have been paid to the benefit recipient for
the twelve months prior to July 1, and for benefit recipients
whose benefit is based upon a retiree or DPS retiree who was not
eligible to retire as of January 1, 2011, the retiree met the
following requirements:

(I) For DPS members with five or more years of service
credit as of January 1, 2011, and for members who are not state
troopers who began membership prior to July 1, 2005, and have
five or more years of service credit as of January 1, 2011, the
retiree retired with a service retirement benefit pursuant to
section 24-51-602 or 24-51-1713, whichever is applicable, or
retired with a reduced service retirement benefit pursuant to
section 24-51-604 or 24-51-1714, whichever is applicable, but has,
as of January 1, attained the age and service credit years that
when combined total at least eighty years, or retired with a
reduced service retirement benefit pursuant to section 24-51-604
but has, as of January 1, attained the age of sixty;

(II) For members who are not state troopers who began
membership on or after July 1, 2005, but prior to January 1, 2007,
the retiree retired with a service retirement benefit pursuant to
SECTION 24-51-602, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE AND SERVICE CREDIT YEARS THAT WHEN COMBINED TOTAL AT LEAST EIGHTY-FIVE YEARS, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF SIXTY;

(III) For DPS members with less than five years of service credit as of January 1, 2011, and for members whose membership began prior to January 1, 2007, with less than five years of service credit as of January 1, 2011, the retiree retired with a service retirement benefit pursuant to Section 24-51-602, or retired with a reduced service retirement benefit pursuant to Section 24-51-604 but has, as of January 1, attained the age and service credit years that when combined total at least eighty-five years, or retired with a reduced service retirement benefit pursuant to Section 24-51-604 but has, as of January 1, attained the age of sixty; or

(IV) For members who are state troopers and who were members, inactive members, or retirees on December 31, 2006, the retiree retired with a service retirement benefit pursuant to Section 24-51-602 or retired with a reduced service retirement benefit pursuant to Section 24-51-604, but has, as of January 1, attained the age and service credit years, when weighted with non-state trooper service credit, that combined total at least seventy-five years, or retired with a reduced service retirement benefit pursuant to Section 24-51-604 but has, as of January 1, attained the age of fifty-five.
(c) No minimum age or service credit requirement shall apply to
disability retirees or survivor benefit recipients.

(1.5) and (2) (Deleted by amendment, L. 93, p. 478, § 6, effective
March 1, 1994.)

(3) For benefit recipients whose benefits are based on the account
of a member who was not a member, inactive member, or retiree on
December 31, 2006, annual increases in retirement benefits and survivor
benefits, if any, shall be effective with the July benefit in accordance with
the provisions of section 24-51-1009, SUBJECT TO SECTION 24-51-413,
and shall be paid from the retirement benefits reserve or the survivor
benefits reserve, as appropriate, so long as the following requirements are
satisfied:

(a) The benefits have been paid to the benefit recipient for the full
preceding calendar year AND AN ANNUAL INCREASE HAS BEEN APPLIED TO
THE RETIREMENT OR SURVIVOR BENEFIT ON OR BEFORE MAY 1, 2018; and

(b) (I) For members WHO ARE NOT STATE TROOPERS whose
membership began on or after January 1, 2007, but prior to January 1,
2011, the retiree retired with a service retirement benefit pursuant to
section 24-51-602, or retired with a reduced service retirement benefit
pursuant to section 24-51-604 but has, as of January 1, attained the age
and service credit years that when combined total at least eighty-five
years, or retired with a reduced service retirement benefit pursuant to
section 24-51-604 but has, as of January 1, attained the age of sixty;

(II) For members WHO ARE NOT STATE TROOPERS whose
membership began on or after January 1, 2011, but prior to January 1,
2017, the retiree retired with a service retirement benefit pursuant to
section 24-51-602, or retired with a reduced service retirement benefit
pursuant to section 24-51-604 but has, as of January 1, attained the age
and service credit years that when combined total at least eighty-eight
years, or retired with a reduced service retirement benefit pursuant to
section 24-51-604 but has, as of January 1, attained the age of sixty;

(III) Subject to the provisions of subparagraph (IV) of this
paragraph (b) SUBSECTION (3)(b)(IV) OF THIS SECTION, for members who
ARE NOT STATE TROOPERS whose membership began on or after January
1, 2017, the retiree retired with a service retirement benefit pursuant to
section 24-51-602, or retired with a reduced service retirement benefit
pursuant to section 24-51-604 but has, as of January 1, attained the age
and service credit years that when combined total at least ninety years, or
retired with a reduced service retirement benefit pursuant to section
24-51-604 but has, as of January 1, attained the age of sixty; or

(IV) For members whose membership began on or after January
1, 2017, the retiree retired from the school or Denver public schools
divisions with a reduced service retirement benefit pursuant to section
24-51-604 and the retiree's most recent ten years of service credit was
earned in the school or Denver public schools divisions, but, as of January
1, the retiree's age and total service credit total at least eighty-eight years,
or the retiree retired with a reduced service retirement benefit pursuant to
section 24-51-604 but has, as of January 1, attained the age of sixty; OR

(V) FOR MEMBERS WHO ARE STATE TROOPERS WHO WERE NOT
MEMBERS, INACTIVE MEMBERS, OR RETIREES ON DECEMBER 31, 2006, THE
RETIREE RETIRED WITH A SERVICE RETIREMENT BENEFIT PURSUANT TO
SECTION 24-51-602 OR RETIRED WITH A REDUCED SERVICE RETIREMENT
BENEFIT PURSUANT TO SECTION 24-51-604, BUT HAS, AS OF JANUARY 1,
ATTAINED THE AGE AND SERVICE CREDIT YEARS, WHEN WEIGHTED WITH
NON-STATE TROOPER SERVICE CREDIT, THAT COMBINED TOTAL AT LEAST SEVENTY-FIVE YEARS, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF FIFTY-FIVE.

(c) No minimum age or service credit requirement shall apply to disability retirees or survivor benefit recipients.

(3.5) FOR BENEFIT RECIPIENTS WHOSE BENEFITS ARE BASED ON THE ACCOUNT OF A MEMBER WHO WAS NOT A MEMBER, INACTIVE MEMBER, OR RETIREE ON DECEMBER 31, 2006, ANNUAL INCREASES IN RETIREMENT BENEFITS AND SURVIVOR BENEFITS, IF ANY, ARE EFFECTIVE WITH THE JULY BENEFIT IN ACCORDANCE WITH SECTION 24-51-1009, SUBJECT TO SECTION 24-51-413, AND SHALL BE PAID FROM THE RETIREMENT BENEFITS RESERVE OR THE SURVIVOR BENEFITS RESERVE, AS APPROPRIATE, SO LONG AS THE FOLLOWING REQUIREMENTS ARE SATISFIED:

(a) THE BENEFITS HAVE BEEN PAID TO THE BENEFIT RECIPIENT FOR THIRTY-SIX MONTHS TOTAL, AND BENEFITS HAVE BEEN PAID TO THE BENEFIT RECIPIENT FOR THE FULL PRECEDING CALENDAR YEAR, AND AN ANNUAL INCREASE HAS NOT BEEN APPLIED TO THE RETIREMENT OR SURVIVOR BENEFIT ON OR BEFORE MAY 1, 2018; AND

(b) (I) FOR MEMBERS WHO ARE NOT STATE TROopers WHOSE MEMBERSHIP BEGAN ON OR AFTER JANUARY 1, 2007, BUT PRIOR TO JANUARY 1, 2011, THE RETIREE RETIRED WITH A SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-602, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE AND SERVICE CREDIT YEARS THAT WHEN COMBINED TOTAL AT LEAST EIGHTY-FIVE YEARS, OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION
24-51-604 but has, as of January 1, attained the age of sixty;

(II) For members who are not state troopers whose membership began on or after January 1, 2011, but prior to January 1, 2017, the retiree retired with a service retirement benefit pursuant to section 24-51-602, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age and service credit years that when combined total at least eighty-eight years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of sixty;

(III) Subject to subsection (3.5)(b)(IV) of this section, for members who are not state troopers whose membership began on or after January 1, 2017, the retiree retired with a service retirement benefit pursuant to section 24-51-602, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age and service credit years that when combined total at least ninety years, or retired with a reduced service retirement benefit pursuant to section 24-51-604 but has, as of January 1, attained the age of sixty;

(IV) For members whose membership began on or after January 1, 2017, the retiree retired from the school or Denver Public Schools divisions with a reduced service retirement benefit pursuant to section 24-51-604 and the retiree’s most recent ten years of service credit was earned in the school or Denver Public Schools divisions, but, as of January 1, the retiree’s age and total service credit total at least eighty-eight
YEARS, OR THE RETIREE RETIRED WITH A REDUCED SERVICE RETIREMENT
BENEFIT PURSUANT TO SECTION 24-51-604 BUT HAS, AS OF JANUARY 1,
ATTAINED THE AGE OF SIXTY;

(V) FOR MEMBERS WHO ARE STATE TROOPERS WHO WERE NOT
MEMBERS, INACTIVE MEMBERS, OR RETIREES ON DECEMBER 31, 2006, BUT
BEFORE DECEMBER 31, 2020, THE RETIREE RETIRED WITH A SERVICE
RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-602 OR RETIRED WITH
A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION
24-51-604, BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE AND SERVICE
CREDIT YEARS, WHEN WEIGHTED WITH NON-STATE TROOPER SERVICE
CREDIT, THAT COMBINED TOTAL AT LEAST SEVENTY-FIVE YEARS, OR
RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO
SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF
FIFTY-FIVE;

(VI) FOR MEMBERS WHO ARE NOT STATE TROOPERS WHOSE
MEMBERSHIP BEGAN ON OR AFTER JANUARY 1, 2020, THE RETIREE RETIRED
WITH A SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-602,
OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO
SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF
SIXTY; OR

(VII) FOR MEMBERS WHO ARE STATE TROOPERS WHOSE
MEMBERSHIP BEGAN ON OR AFTER JANUARY 1, 2020, THE RETIREE RETIRED
WITH A SERVICE RETIREMENT BENEFIT PURSUANT TO SECTION 24-51-602,
OR RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO
SECTION 24-51-604, BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE AND
SERVICE CREDIT YEARS, WHEN WEIGHTED WITH NON-STATE TROOPER
SERVICE CREDIT, THAT COMBINED TOTAL AT LEAST EIGHTY YEARS, OR
RETIRED WITH A REDUCED SERVICE RETIREMENT BENEFIT PURSUANT TO
SECTION 24-51-604 BUT HAS, AS OF JANUARY 1, ATTAINED THE AGE OF
SIXTY.

(c) NO MINIMUM AGE OR SERVICE CREDIT REQUIREMENT SHALL
APPLY TO DISABILITY RETIREES OR SURVIVOR BENEFIT RECIPIENTS.

(4) Benefits that are calculated pursuant to part 17 of this article
ARTICLE 51 shall be governed by the benefit increase provisions of such
part 17.

SECTION 15. In Colorado Revised Statutes, 24-51-1002, amend
(2); and add (1.5) as follows:

24-51-1002. Annual percentages to be used.

(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR
THE YEARS 2018 AND 2019, THE ANNUAL INCREASE AWARDED SHALL BE
ZERO PERCENT.

(2) Beginning in the year 2011 ON THE EFFECTIVE DATE OF THIS
SUBSECTION (2), AS AMENDED, subject to the provisions of section
24-51-1009.5, for benefit recipients whose benefits are based on the
account of a member who was a member, inactive member, or retiree on
December 31, 2006, or for benefit recipients whose benefits are based on
the account of a DPS member or DPS retiree, the increase applied to
benefits paid shall be the lesser of two percent or the average of the
annual increases determined for each month, to the nearest one-tenth of
a percent, as calculated by the United States department of labor, in the
national consumer price index for urban wage earners and clerical
workers during the calendar year preceding the increase in the benefit.
Notwithstanding the provisions of this subsection (2), the increase shall
be the maximum permitted under this subsection (2) and section
24-51-1009.5—unless the association's annual audited return on investments is negative for the preceding calendar year, at which point the annual increase for the subsequent three years shall be the lesser of two percent or the average of the annual increases determined for each month, to the nearest one-tenth of a percent, as calculated by the United States department of labor, in the national consumer price index for urban wage earners and clerical workers during the calendar year preceding the increase in the benefit ONE AND ONE-QUARTER PERCENT UNLESS ADJUSTED PURSUANT TO SECTION 24-51-413. The increase applied to such benefits shall be recalculated annually as of July 1 and shall be the compounded annual percentage of the annual increases applied to such benefits. In the first year that the benefit recipient is eligible to receive an annual increase pursuant to section 24-51-1001, the annual increase shall be prorated.

SECTION 16. In Colorado Revised Statutes, 24-51-1009, amend (4) introductory portion and (4)(a); and add (1.5) as follows:

24-51-1009. Annual increase reserve - creation. (1.5) FOR THE YEARS 2018 AND 2019, THE ANNUAL INCREASE AWARDED SHALL BE ZERO PERCENT.

(4) An actuarial valuation shall be conducted each year for the annual increase reserve of each division for the purposes of this section. The actuarial valuation shall include a determination of the total market value of the assets in the reserve and a calculation of the net present value of the actuarial liabilities associated with providing each of the annual increases described in paragraphs (a), (b), and (c) of this subsection (4) subsections (4)(a), (4)(b), AND (4)(c) OF THIS SECTION. Subject to section 24-51-1009.5, the maximum annual increase awarded by the board shall
be the lesser of the following calculations:

(a) Subject to the maximum annual increase as adjusted pursuant to section 24-51-413, a permanent increase equal to two percent one and one-quarter percent of current benefits payable to benefit recipients then eligible for an annual increase in accordance with section 24-51-1001 (3);

SECTION 17. In Colorado Revised Statutes, amend 24-51-1009.5 as follows:

24-51-1009.5. Annual increase amount changes. When the actuarial funded ratio of the association, based on the actuarial value of assets, is at or above one hundred three percent as determined in the annual actuarial study of the association, the upper limit of the annual increase shall be increased by one-quarter of one percent. If the actuarial funded ratio of the association, based on the actuarial value of assets, reaches one hundred three percent and subsequently any annual actuarial study reflects the actuarial funded ratio of the association, based on the actuarial value of assets, is below ninety percent, the upper limit of the annual increase shall be decreased by one-quarter of one percent. At no time shall the upper limit of the annual increase fall below two percent.

SECTION 18. In Colorado Revised Statutes, 24-51-1503, amend (2) as follows:

24-51-1503. Defined contribution plan option. (2) An employee hired by an employer who has been a member of the association's defined benefit plan or the association's defined contribution plan during the twelve months prior to the date that the employee commences employment shall automatically continue to be a member of such plan.
upon commencing employment. If automatically continuing in the Defined Contribution Plan, the employee's individual participation account shall receive the same employer contribution pursuant to Section 24-51-1505 (1), as previously entitled. The employee shall be considered an eligible employee for purposes of section 24-51-1506.

SECTION 19. In Colorado Revised Statutes, 24-51-1505, amend (1), (2), and (3) as follows:

(1) Contribution rates to the association's defined contribution plan by the employer and by members of the defined contribution plan established pursuant to this part 15 shall be the same as the rates that would be payable by the employer and the member pursuant to section 24-51-401. The individual's participant account shall receive the full member contribution amount in effect under Section 24-51-401. The individual's participant account shall receive a portion of the employer contribution equal to the amount in table A in section 24-51-401 (1.7)(a). Any portion of the employer contribution above the amount in table A in 24-51-401 (1.7)(a) shall be paid to the employer's division trust fund.

(2) Consistent with the provisions of section 24-51-401 (1.7)(b), (1.7)(c), and (1.7)(d), the employer shall deliver all contributions to the defined contribution plan trust fund via the service provider designated by the association within five days after the date members are paid.

(3) Except as otherwise provided in subsection (4) of this section, members of the association's defined contribution plan shall be immediately and fully vested in their own contributions to the plan,
together with accumulated investment gains or losses. Members shall be immediately vested in fifty percent of the employer's contribution to the DEFINED CONTRIBUTION plan, together with accumulated investment gains or losses on that vested portion. For each full year of membership in the defined contribution plan, the vesting percentage shall increase by ten percent. The vesting percentage in the employer's contribution, with accumulated earnings or losses, shall be one hundred percent for all members with five or more years of membership in the defined contribution plan. If an individual becomes a member of the defined contribution plan without an existing account balance or after a twelve-month break in service, the individual shall begin a new vesting schedule with regard to future employer contributions in accordance with this subsection (3).

SECTION 20. In Colorado Revised Statutes, 24-51-1702, amend (17) as follows:

24-51-1702. Definitions. As used in this part 17, unless the context otherwise requires:

(17) "Highest average salary" means the average monthly compensation of the thirty-six months of accredited service having the highest rates, multiplied by twelve, or the "career average salary", whichever is greater, and shall be applied to benefits, except for benefits under sections 24-51-1727 to 24-51-1731, attributable to retirement or death on or after July 1, 1994. For benefits under sections 24-51-1727 to 24-51-1731, "highest average salary" applies to cases where termination of service occurs on or after July 1, 1994. This subsection (17) shall apply only to DPS members eligible for a retirement benefit as of January 1, 2011. For DPS members not eligible for a retirement benefit as of January
1, 2011, the definition of "highest average salary" specified in section 24-51-101 (25)(b)(V) and (25)(b)(VI), shall apply.

SECTION 21. In Colorado Revised Statutes, add with amended and relocated provisions article 51.5 to title 24 as follows:

ARTICLE 51.1

Pension Review Commission

24-51.1-101. [Formerly 31-31-1001.] Pension review commission. (1) (a) There is hereby created the police officers' and firefighters' pension reform review commission to be comprised of five senators appointed by the president of the senate and ten representatives appointed by the speaker of the house of representatives. The party representation shall be in proportion generally to the relative number of members of the two major political parties in each chamber. The chair shall be designated by the speaker of the house of representatives in odd-numbered years and by the president of the senate in even-numbered years. The vice-chair shall be appointed by the speaker of the house of representatives in even-numbered years and by the president of the senate in odd-numbered years. Members of the commission shall receive the same per diem allowance authorized for other members of the general assembly serving on interim study committees and actual expenses for participation in meetings of the commission. Staff services for the commission shall be furnished by the state auditor's office, the legislative council, and the office of legislative legal services. The state auditor, with the approval of the commission, may contract for services deemed necessary for the implementation of this part 10.
(b) The terms of the members appointed by the speaker of the
house of representatives and the president of the senate and who are
serving on March 22, 2007, shall be extended to and expire on or shall
terminate on the convening date of the first regular session of the
sixty-seventh general assembly. As soon as practicable after such
convening date, the speaker and the president shall appoint or reappoint
members in the same manner as provided in paragraph (a) of this
subsection (1) SUBSECTION (1)(a) OF THIS SECTION. Thereafter, the terms
of members appointed or reappointed by the speaker and the president
shall expire on the convening date of the first regular session of each
general assembly, and all subsequent appointments and reappointments
by the speaker and the president shall be made as soon as practicable after
such convening date. The person making the original appointment or
reappointment shall fill any vacancy by appointment for the remainder of
an unexpired term. Members appointed or reappointed by the speaker and
the president shall serve at the pleasure of the appointing authority and
shall continue in office until the member's successor is appointed.

(2) The commission shall study and develop proposed legislation
relating to funding of police officers' and firefighters' pensions in this
state and benefit designs of such pension plans. IN ADDITION, THE
COMMISSION SHALL STUDY AND DEVELOP PROPOSED LEGISLATION
RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION AS
SPECIFIED IN SUBSECTION (3) OF THIS SECTION. The commission study
shall include a review of, and the proposed legislation may include,
among other subjects, the following, AS APPLICABLE:

(a) Normal retirement age; and compulsory retirement;
(b) Payment of benefits prior to normal retirement age;
(c) Service requirements for eligibility;
(d) Rate of accrual of benefits;
(e) Disability benefits;
(f) Survivors' benefits;
(g) Vesting of benefits;
(h) Employee AND EMPLOYER contributions;
(i) Postretirement increases;
(j) Creation of an administrative board;
(k) Creation of a consolidated statewide system;
(l) Distribution of state funds;
(m) Coordination of benefits with other programs;
(n) The volunteer firefighter pension system;
(o) The provisions of this article and article 30.5 of this title ARTICLES 30, 30.5 AND 31 OF TITLE 31;
(p) The provisions of article 51 of this title 24; and
(p) The necessity of continuing the direct to the public employees' retirement association pursuant to section 24-51-415.

(3) Repealed:

(3) After the public employees' retirement association submits its annual actuarial valuation to the legislative audit committee and the joint budget committee of the general assembly pursuant to section 24-51-204 (7), the commission may, with advice of the board of directors of the public employees' retirement association, propose legislation to address any issues that arise from such actuarial valuation or other information provided to the general assembly.

SECTION 22. In Colorado Revised Statutes, 31-30.5-302, amend
(1) as follows:

31-30.5-302. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Commission" means the police officers' and firefighters' pension reform review commission established pursuant to section 31-31-1001.

SECTION 23. Repeal of provisions being relocated in this act.

In Colorado Revised Statutes, repeal 31-31-1001.

SECTION 24. In Colorado Revised Statutes, repeal 31-31-1002.

SECTION 25. Appropriation. For the 2018-19 state fiscal year, $200,000 is appropriated to the legislative department for use by the legislative council. This appropriation is from the general fund. To implement this act, the legislative council may use this appropriation for independent review of PERA assumptions pursuant to section 24-51.5-102 (3)(h), C.R.S.

SECTION 26. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.