

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

**INTRODUCED**

LLS NO. 23-0889.01 Jason Gelender x4330

**SENATE BILL 23-300**

---

**SENATE SPONSORSHIP**

**Pelton B.,**

**HOUSE SPONSORSHIP**

**Sharbini,**

---

**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE UPDATING OF OBSOLETE CROSS REFERENCES IN THE**  
102 **STATUTES THAT GOVERN FIRE AND POLICE PENSIONS.**

---

**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/>.)*

**Statutory Revision Committee.** House Bill 22-1034 merged 3 retirement plans administered by the fire and police pension association, the statewide defined benefit plan, the statewide hybrid plan, and the social security supplemental plan, into a single statewide retirement plan. House Bill 22-1034 accomplished the merger in part by repealing several statutes and relocating some of the substantive provisions of those

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

statutes into new statutes. In doing so, certain statutory cross references were not properly updated to reflect the repeals and relocations. The bill updates the obsolete statutory cross references.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, 29-5-302, **amend** (6)  
3 as follows:

4           **29-5-302. Required benefits - conditions of receiving benefits.**

5 (6) The benefits and maximum payment amount in subsection (2) of this  
6 section are increased by the same percentage and at the same time as any  
7 fire and police pension association increase in the pension benefit paid to  
8 its members pursuant to ~~section 31-31-407, C.R.S.~~ SECTION 31-31.5-410.

9           **SECTION 2.** In Colorado Revised Statutes, 31-30.5-209, **amend**  
10 (1) and (2) as follows:

11           **31-30.5-209. Idle funds.** (1) If the governing body of a  
12 municipality, by resolution, finds that no person named in this article is,  
13 and no such person can become, eligible for payment of a benefit from  
14 the municipality's police officers' old hire pension fund established  
15 pursuant to section 31-30.5-201 (2), it may authorize use of the money in  
16 the fund to make contributions to the defined benefit system trust fund  
17 pursuant to ~~section 31-31-402 (2)~~ PART 3 OF ARTICLE 31.5 OF THIS TITLE  
18 31, to make contributions to a police benefit fund established pursuant to  
19 section 31-31-601 (1)(b), AS SAID SECTION EXISTED PRIOR TO ITS REPEAL,  
20 or to make contributions under the federal social security laws if the  
21 municipality's police officers are covered by the social security laws. To  
22 the extent that money in the fund exceeds three times the present yearly  
23 employer contribution to any of the preceding benefit funds on behalf of  
24 the municipality's current police officers, such excess may be used for any

1 law-enforcement-related purpose. If the municipality does not employ any  
2 police officer, the governing body may authorize use of the money in the  
3 fund for any law-enforcement-related purpose. In addition, any money in  
4 the fund that is attributable to contributions by the municipality and to  
5 interest on such contributions may be used for any police-related purpose  
6 and, if no such police-related need exists, then for any purpose as decided  
7 by the governing body of the municipality. For the purposes of this  
8 subsection (1), contracting with the county or county sheriff for law  
9 enforcement service shall not be considered employment of a police  
10 officer.

11 (2) If the governing body of a municipality, fire protection district,  
12 or county improvement district, by resolution, finds that no person named  
13 in this article is, and no such person can become, eligible for payment of  
14 a benefit from the employer's firefighters' old hire pension fund, it may  
15 authorize use of the money in the fund to make contributions to the  
16 defined benefit system trust fund pursuant to ~~section 31-31-402 (2)~~ PART  
17 3 OF ARTICLE 31.5 OF THIS TITLE 31 or to make contributions under the  
18 federal social security laws if the employer's firefighters are covered by  
19 the social security laws. In addition, any money in the fund that is  
20 attributable to contributions by the municipality or district and to interest  
21 on such contributions may be used for any fire-related purpose and, if no  
22 such fire-related need exists, for any purpose as decided by the governing  
23 body of the municipality or district.

24 **SECTION 3.** In Colorado Revised Statutes, 31-30.5-307, **amend**  
25 (1)(b)(I) as follows:

26 **31-30.5-307. State contribution.** (1) (b) (I) Each employer  
27 having rank escalation and having old hire members shall determine for

1 each such employee the percentage that such employee's years served as  
2 of January 1, 1980, bear to the total number of years required for  
3 retirement. At retirement, the retirement pension shall be divided into that  
4 percentage and the remainder. The portion of the retirement pension equal  
5 to that percentage earned as of January 1, 1980, shall be subject to rank  
6 escalation as provided under the old hire pension plan, and the remainder  
7 of the retirement pension shall be subject to the same adjustment as that  
8 determined by the fire and police pension association board of directors  
9 pursuant to ~~section 31-31-407~~ SECTION 31-31.5-410.

10 **SECTION 4.** In Colorado Revised Statutes, 31-31-102, **amend**  
11 introductory portion and (6) as follows:

12 **31-31-102. Definitions.** As used in this ~~article~~ ARTICLE 31, unless  
13 the context otherwise requires:

14 (6) "Retired member" means any member who is retired, disabled,  
15 or eligible for a benefit as provided in ~~section 31-31-404 (2)~~ SECTION  
16 31-31.5-401.

17 **SECTION 5.** In Colorado Revised Statutes, 31-31-202, **amend**  
18 (1)(a)(II) and (1)(d) as follows:

19 **31-31-202. Powers and duties of the board.** (1) The board shall:

20 (a) Establish standards for determining the actuarial soundness of:

21 (II) Alternative pension plans having defined benefits in whole or  
22 in part established pursuant to section 31-31-601 (1), AS SAID SECTION  
23 EXISTED PRIOR TO ITS REPEAL. Based upon such standards, the board shall  
24 require biennial actuarial reviews of such plans with the cost of the  
25 reviews to be paid by employers having established such plans.

26 (d) Promulgate rules relating to standards for disclosure of all  
27 ramifications of and procedures for obtaining the member approval

1 provided for in section 31-31-601 (1), AS SAID SECTION EXISTED PRIOR TO  
2 ITS REPEAL;

3 **SECTION 6.** In Colorado Revised Statutes, 31-31-501, **amend**  
4 (7) as follows:

5 **31-31-501. Withdrawal into statewide money purchase plan.**  
6 (7) The provisions of ~~sections 31-31-404(1)(b) and~~ SECTION 31-31.5-411  
7 (1)(b) that relate to the purchase of service credit forfeited by the refund  
8 of member contributions shall not apply to members who are employees  
9 of an employer that has withdrawn from the statewide defined benefit  
10 plan. Such service credit forfeited by such withdrawal may be purchased  
11 pursuant to the provisions of section ~~31-31-403 (7)~~ or 31-31.5-310.

12 **SECTION 7.** In Colorado Revised Statutes, 31-31-808, **amend**  
13 (2) as follows:

14 **31-31-808. Reduction of survivor benefits.** (2) The benefits  
15 payable under sections 31-31-807 and 31-31-807.5 to the surviving  
16 spouse and dependent children of any member who are also receiving  
17 payments from the member's separate retirement account pursuant to  
18 ~~section 31-31-406~~ SECTIONS 31-31-412 (1)(c) AND 31-31.5-304 (2) shall  
19 be reduced by an amount that is the actuarial equivalent of the benefits  
20 such surviving spouse and dependent children receive from the separate  
21 retirement account, whether the benefits received from the account are  
22 paid on a periodic basis or in a lump sum.

23 **SECTION 8.** In Colorado Revised Statutes, 31-31.5-101, **amend**  
24 (5)(i) as follows:

25 **31-31.5-101. Establishment of the statewide retirement plan**  
26 **- definitions.** (5) As used in this article 31.5, unless the context otherwise  
27 requires:

1 (i) "Retired member" means any member who is retired, disabled,  
2 or eligible for a benefit as provided in ~~section 31-31-404 (2)~~ SECTION  
3 31-31.5-401.

4 **SECTION 9.** In Colorado Revised Statutes, 31-31.5-501, **amend**  
5 (2)(c) as follows:

6 **31-31.5-501. Vesting.** (2) Employer contributions made to the  
7 statewide retirement plan that are credited to the money purchase  
8 component account are subject to the following vesting rules:

9 (c) Except as provided in subsections (2)(a) and (2)(b) of this  
10 section, a member is vested in the employer contributions made to the  
11 money purchase component account in the amount of twenty percent for  
12 each full year of service performed for a covered department. Upon  
13 attaining five full years of service, a member is one hundred percent  
14 vested. Vesting also applies to employer contributions allocated pursuant  
15 to subsection 31-31.5-301 (3) or allocated under the predecessor  
16 statewide defined benefit plan pursuant to section 31-31-405, AS IT  
17 EXISTED PRIOR TO ITS REPEAL.

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