

CHAPTER 339

GOVERNMENT - STATE

SENATE BILL 94-050

BY SENATORS Rizzuto, R. Powers, and Norton;
also REPRESENTATIVE Owen.

AN ACT

CONCERNING THE APPLICABILITY OF EMPLOYMENT LIMITATIONS TO POSITIONS THAT RETIREES OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION MAY BE EMPLOYED IN WITHOUT A REDUCTION IN BENEFITS FROM SUCH ASSOCIATION.

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

SECTION 1. The introductory portion to 24-51-1101 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-51-1101. Employment after service retirement. (1) A service retiree from the state, school, municipal, or judicial division may be employed ~~in a position subject to membership, or in a position described in section 24-51-308,~~ BY AN EMPLOYER, WHETHER OR NOT IN A POSITION SUBJECT TO MEMBERSHIP, and receive a salary without reduction in benefits if:

SECTION 2. 24-51-1102, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-51-1102. Reduction of a service retirement benefit. Employment of a retiree ~~in a position subject to membership, or in a position described in section 24-51-308,~~ BY AN EMPLOYER, WHETHER OR NOT IN A POSITION SUBJECT TO MEMBERSHIP, which exceeds the limits stated in section 24-51-1101 (1) shall result in a reduction of the benefit of such retiree by five percent per day for any part of a day which exceeds said limits. Any reduction of benefits pursuant to the provisions of this section which exceeds one hundred percent of the benefit shall be carried forward to reduce future months' benefits.

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

SECTION 3. 24-51-1103 (1) and (2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-51-1103. Contributions for a retiree who returns to membership - benefit calculation upon subsequent retirement - survivor benefit rights - disability retirement benefits. (1) A retiree who returns to work in a position which is subject to membership ~~but which does not require membership~~ may voluntarily suspend the service retirement benefits or the reduced service retirement benefits and resume membership. Upon such suspension, ~~or upon the return of a retiree to work in a position requiring membership or in a position described in section 24-51-308,~~ employer and member contributions are required to be made pursuant to the provisions of part 4 of this article. Any additional service credit accumulated and any increase in the highest average salary of such person shall be reflected in the benefit calculation upon subsequent termination of membership only after one year of service credit has been earned.

(2) Survivor benefit rights provided for in part 9 of this article shall ~~not~~ be available to a retiree ~~who returns to work in a position requiring membership or in a position described in section 24-51-308,~~ but such rights shall be available to a retiree who voluntarily suspends the benefits and returns to membership as if such retiree had not retired.

SECTION 4. 24-51-1104, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-51-1104. Employment after disability retirement. A disability retiree from the state, school, or municipal division may be employed ~~in a position subject to membership, or in a position described in section 24-51-308;~~ BY AN EMPLOYER, WHETHER OR NOT IN A POSITION SUBJECT TO MEMBERSHIP, without any reduction in benefits pursuant to the terms and conditions specified in sections 24-51-1101 to 24-51-1103, ~~AND IN SECTION 24-51-707.~~ However, if the disabling condition returns, the disability benefit may begin again upon the application of such member and approval of such application by the board.

SECTION 5. Effective date - applicability. This act shall take effect upon passage and shall apply to persons whose termination of membership occurs on or after such date.

SECTION 6. 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.

Approved: June 3, 1994