

CHAPTER 14

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**GOVERNMENT - MUNICIPAL**

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**SENATE BILL 99-005**

BY SENATORS Reeves, Feeley, Powers, Tebedo, Nichol, and Weddig;  
also REPRESENTATIVES Dean, Alexander, Berry, Johnson, Miller, Saliman, Coleman, Kaufman, and Taylor.

**AN ACT**

CONCERNING REQUIREMENTS FOR THE ACQUISITION OF SERVICE CREDIT FOR THE STATEWIDE DEFINED  
BENEFIT PLAN OF THE FIRE AND POLICE PENSION ASSOCIATION.

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

**SECTION 1.** Part 4 of article 31 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**31-31-410. Purchased service credit.** (1) A MEMBER MAY PURCHASE SERVICE CREDIT FOR PUBLIC SAFETY EMPLOYMENT, AS SUCH EMPLOYMENT IS DEFINED BY RULES ADOPTED BY THE BOARD, WITHIN THE UNITED STATES NOT COVERED BY THE PLAN, SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

(a) THE MEMBER HAS AT LEAST ONE YEAR OF CONTINUOUS SERVICE CREDIT WITH THE SAME EMPLOYER COVERED BY THE STATEWIDE DEFINED BENEFIT PLAN.

(b) THE MEMBER PROVIDES DOCUMENTATION OF THE DATES OF EMPLOYMENT NOT COVERED BY THE PLAN AND A RECORD OF THE SALARY RECEIVED.

(c) THE MEMBER VERIFIES THAT THE MEMBER WILL NOT RECEIVE A BENEFIT FROM ANY RETIREMENT PLAN COVERING SUCH EMPLOYMENT AND THAT THE SERVICE CREDIT TO BE PURCHASED HAS NOT VESTED WITH THAT PLAN, EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY FEDERAL LAW.

(d) THE MEMBER PAYS TO THE FIRE AND POLICE PENSION ASSOCIATION, AT THE TIME AND IN THE MANNER PRESCRIBED BY THE BOARD, THE COST OF THE SERVICE CREDIT PURCHASED, SUCH COST TO BE CALCULATED BY THE BOARD ON AN ACTUARIALLY EQUIVALENT BASIS.

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

(2) A MEMBER MAY PURCHASE UP TO FIVE YEARS OF SERVICE CREDIT FOR PERIODS OF ACTIVE DUTY IN THE UNIFORMED SERVICES OF THE UNITED STATES, SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

(a) THE MEMBER HAS AT LEAST ONE YEAR OF CONTINUOUS SERVICE CREDIT WITH THE SAME EMPLOYER COVERED BY THE STATEWIDE DEFINED BENEFIT PLAN.

(b) THE MEMBER PROVIDES DOCUMENTATION OF THE DATES OF SERVICE IN THE UNIFORMED SERVICES OF THE UNITED STATES AND THAT THE MEMBER WAS HONORABLY DISCHARGED FROM SUCH SERVICE.

(c) THE MEMBER PROVIDES CERTIFICATION FROM THE EMPLOYER THAT THE SERVICE IS NOT INTERVENING SERVICE COVERED BY THE FEDERAL "UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994", CHAPTER 43 OF TITLE 38, U.S.C., AS AMENDED.

(d) THE MEMBER VERIFIES THAT THE MEMBER WILL NOT RECEIVE A BENEFIT FROM ANY RETIREMENT PLAN COVERING SUCH SERVICE AND THAT THE SERVICE CREDIT TO BE PURCHASED HAS NOT VESTED WITH THAT PLAN, EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY FEDERAL LAW.

(e) THE MEMBER PAYS TO THE FIRE AND POLICE PENSION ASSOCIATION, AT THE TIME AND IN THE MANNER PRESCRIBED BY THE BOARD, THE COST OF THE SERVICE CREDIT PURCHASED, SUCH COST TO BE CALCULATED BY THE BOARD ON AN ACTUARIALLY EQUIVALENT BASIS.

(3) ANY SERVICE CREDIT PURCHASED UNDER THIS SECTION MUST COVER A PERIOD OF ONE YEAR OR LONGER.

**SECTION 2.** 31-31-404 (1) (b), Colorado Revised Statutes, is amended to read:

**31-31-404. Return or transfer of contributions - vested retirement.** (1) (b) If the member who terminated service subsequently returns to service as an active member with an employer that covers its members under the statewide defined benefit plan, the member's prior service credit shall be restored when the ~~members~~ MEMBER returns the member's refunded contributions, with interest ACCRUED FROM THE DATE OF REFUND to the date of ~~refund~~ RETURN, ACCORDING TO THE TERMS AND CONDITIONS ESTABLISHED BY THE BOARD. If the member fails to return such contributions and interest, the member shall be treated as a new member, and the member's prior service shall not be recognized in determining pension eligibility or pension benefits.

**SECTION 3. Applicability.** Section 1 of this act shall apply to members of the fire and police pension association who are covered by the statewide defined benefit plan on and after January 1, 2000. Section 2 of this act shall apply to members of the fire and police pension association who are covered by the statewide defined benefit plan on and after the applicable effective date of section 2 of this act.

**SECTION 4. Effective date.** (1) Section 1 of this act shall take effect January 1, 2000, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against section 1 of this act or an item, section, or part of section 1 of this act within such period, then section 1 of the act, or the item, section, or part of section 1, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) Section 2 of this act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against section 2 of this act or an item, section, or part of section 2 of this act within such period, then section 2 the act, or the item, section, or part of section 2, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 15, 1999