

CHAPTER 22

GOVERNMENT - MUNICIPAL

HOUSE BILL 00-1022

BY REPRESENTATIVES Scott, Kester, Webster, Alexander, Chavez, Coleman, Dean, Leyba, Mace, McKay, Spence, Taylor, and Williams S.;
also SENATORS Andrews, Lamborn, and Tebedo.

AN ACT

CONCERNING THE CREATION OF OPTIONS TO INCREASE CONTRIBUTION RATES UNDER THE STATEWIDE MONEY PURCHASE PLAN FOR POLICE OFFICERS AND FIREFIGHTERS.

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

SECTION 1. 31-31-502 (4) and (5), Colorado Revised Statutes, are amended to read:

31-31-502. Statewide money purchase plan - creation - management.
(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), upon the effective date of an employer's withdrawal from the statewide defined benefit plan and election to participate in the statewide money purchase plan, each member covered by the statewide money purchase plan shall pay into the fund eight percent of salary paid. The payment shall be made by the employer by deduction from the salary paid such member. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), for each such member, the employer shall pay into the fund eight percent of the salary paid to such member. All such payments shall be made by one voucher for the aggregate amount and shall be made no later than the tenth day after the end of each pay period. All such payments shall be credited to the fund. Late payments are subject to the penalty set forth in section 31-31-402 (4).

(b) (I) UPON THE REQUEST OF AN EMPLOYER, THE BOARD SHALL PERMIT A HIGHER MANDATORY EMPLOYER CONTRIBUTION RATE, MANDATORY EMPLOYEE CONTRIBUTION RATE, OR BOTH, THAN IS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (4) IF THE BOARD DETERMINES THAT:

(A) A LOCAL RESOLUTION OR ORDINANCE SETTING FORTH THE HIGHER MANDATORY CONTRIBUTION RATE OR RATES WAS ENACTED AND IS IN EFFECT; AND

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

(B) AN EMPLOYEE ELECTION WAS CONDUCTED AND THE HIGHER MANDATORY CONTRIBUTION RATE OR RATES WAS APPROVED BY SIXTY-FIVE PERCENT OF THE EMPLOYER'S ACTIVE MEMBERS OF THE PLAN.

(II) ANY ACTIVE MEMBER AND ANY EMPLOYER MAY MAKE VOLUNTARY CONTRIBUTIONS TO THE PLAN BY PAYROLL DEDUCTION. VOLUNTARY MEMBER CONTRIBUTIONS ARE NOT SUBJECT TO THE EMPLOYER PICKUP PROVISIONS OF SECTION 414 (h) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

(III) IN NO EVENT SHALL INCREASED CONTRIBUTIONS RESULTING FROM A HIGHER CONTRIBUTION RATE OR RATES CAUSE A MEMBER TO EXCEED THE LIMIT ON ANNUAL ADDITIONS UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AS APPLICABLE TO GOVERNMENT PLANS.

(5) Except with respect to amendments necessary to comply with state and federal law, the board may amend the statewide money purchase plan document created pursuant to subsection (1) of this section only upon the approval of at least sixty-five percent of the active members of the plan and more than fifty percent of the employers having active members covered by the plan, each employer to be assigned one vote; except that employers having both active police and fire members in the plan shall be assigned two votes. ~~No amendment, however, may increase the employer contribution rate above eight percent of the salary paid to each participating member.~~

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

Approved: March 10, 2000