

CHAPTER 228

GOVERNMENT - STATE

SENATE BILL 01-149

BY SENATOR(S) Owen;
also REPRESENTATIVE(S) Scott and Stengel.

AN ACT

CONCERNING THE STATE DEFINED CONTRIBUTION PLAN.

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

SECTION 1. 24-51-305 (1), Colorado Revised Statutes, is amended to read:

24-51-305. District attorneys. (1) District attorneys WHO HAVE NOT MADE AN ELECTION TO PARTICIPATE IN A DEFINED CONTRIBUTION PLAN PURSUANT TO SECTION 24-54.7-106 shall become members. Up to five years of service credit shall be granted for public service as a district attorney prior to January 11, 1977, if the district attorney did not elect exemption from membership upon first becoming eligible for membership.

SECTION 2. 24-54.7-102 (4), Colorado Revised Statutes, is amended to read:

24-54.7-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Eligible employee" means a member of the general assembly, the governor, the lieutenant governor, the attorney general, the chief deputy attorney general, the solicitor general, the secretary of state, the deputy secretary of state, the state treasurer, the deputy state treasurer, A DISTRICT ATTORNEY, a member of the public utilities commission, an executive director of a department of state appointed by the governor, an employee of the senate or the house of representatives, and a nonclassified employee of the office of the governor, for whom a defined contribution plan has been established pursuant to the provisions of this article.

SECTION 3. 24-54.7-106 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

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

24-54.7-106. Participation. (2) (a) Any eligible employee who is neither a member nor an inactive member of the association and who is initially appointed to an eligible position on or after the effective date of the establishment of a defined contribution plan at such eligible employee's employing entity shall make a one-time irrevocable written election within ~~sixty~~ THIRTY days of commencing employment in such position to participate in the association or in a defined contribution plan in which the employee is eligible to participate pursuant to the provisions of this article. In the absence of such written election, such person shall be a member of the association.

(b) Any eligible employee who is a member or inactive member of the association at the time such employee is initially appointed to or initially holds an eligible position may, as long as such employee remains employed in such position, make a one-time irrevocable written election during the ~~months~~ MONTH of January ~~and February~~ of each year to participate in a defined contribution plan in which the employee is eligible to participate pursuant to the provisions of this article. In the absence of such written election, such person shall be a member of the association.

SECTION 4. Part 6 of article 51 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-51-614. Employee retirement benefit study. (1) THE STATE AUDITOR SHALL CONDUCT A COMPREHENSIVE STUDY OF DEFINED BENEFIT AND DEFINED CONTRIBUTION RETIREMENT PLAN DESIGNS FOR STATE EMPLOYEES AND FOR OTHER EMPLOYEES WHO ARE MEMBERS OF THE ASSOCIATION OR ELIGIBLE TO BE MEMBERS. THE STUDY SHALL INCLUDE A COMPARISON OF THE BENEFITS, COST, AND PORTABILITY OF ASSOCIATION BENEFITS WITH THE BENEFITS, COST, AND PORTABILITY OF BENEFITS PROVIDED BY OTHER DEFINED BENEFIT AND DEFINED CONTRIBUTION RETIREMENT PLANS FOR PUBLIC AND PRIVATE SECTOR EMPLOYEES IN COLORADO AND OTHER STATES, INCLUDING SOCIAL SECURITY, AND A REVIEW OF THE EFFECTIVENESS OF RETIREMENT PLAN DESIGNS FOR ATTRACTING AND RETAINING QUALIFIED STATE AND SCHOOL EMPLOYEES. THE STUDY SHALL ALSO INCLUDE ANY TOPICS RECOMMENDED BY THE BOARD OR BY THE LEGISLATIVE AUDIT COMMITTEE FOR THE STUDY.

(2) THE STATE AUDITOR SHALL CONTRACT WITH A PROFESSIONAL ACTUARIAL OR PENSION CONSULTING FIRM OF NATIONAL STANDING TO PERFORM DUTIES IN CONNECTION WITH THE STUDY. THE EXPENSES OF THE FIRM, AS APPROVED BY THE STATE AUDITOR, SHALL BE PAID BY THE ASSOCIATION.

(3) THE STATE AUDITOR SHALL COMPLETE THE STUDY NO LATER THAN DECEMBER 1, 2001, AND FILE COPIES OF THE REPORT WITH THE LEGISLATIVE AUDIT COMMITTEE AND THE BOARD.

SECTION 5. 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 1, 2001