

CHAPTER 22

**GOVERNMENT - MUNICIPAL**

**HOUSE BILL 02-1032**

BY REPRESENTATIVE(S) Miller, Mace, Webster, Groff, Tapia, Tochtrop, and Williams S.;  
also SENATOR(S) Hanna, Hernandez, and Taylor.

**AN ACT**

**CONCERNING THE AUTHORIZATION FOR MEMBERS OF THE STATEWIDE DEFINED BENEFIT PLAN TO ACQUIRE SERVICE CREDIT FOR PRIOR EMPLOYMENT NOT COVERED BY THE PLAN.**

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

**SECTION 1.** The introductory portion to 31-31-410 (1) and 31-31-410 (1) (c) and (1) (d), Colorado Revised Statutes, are amended, and the said 31-31-410 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**31-31-410. Purchased or rolled over service credit.** (1) A member may purchase service credit OR MAY BE GRANTED SERVICE CREDIT UPON THE QUALIFIED ROLL OVER OF DISTRIBUTIONS FROM AN ELIGIBLE PLAN, for OTHER public safety employment as such employment is defined by rules adopted by the board within the United States not covered by the plan, AS MAY BE ALLOWED UNDER RULES ADOPTED BY THE BOARD, subject to all of the following conditions:

(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~~ GRANTED has not vested with that plan, except to the extent otherwise required by federal law.

(d) The member pays OR TRANSFERS 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.

(2.5) A MEMBER MAY PURCHASE UP TO FIVE YEARS OF SERVICE CREDIT, OR MAY BE GRANTED UP TO FIVE YEARS OF SERVICE CREDIT UPON THE QUALIFIED ROLL OVER OF DISTRIBUTIONS FROM AN ELIGIBLE PLAN, FOR EMPLOYMENT WITH ANY PRIVATE EMPLOYER IN THE UNITED STATES, AS MAY BE ALLOWED UNDER RULES ADOPTED BY

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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.*

THE BOARD, SUBJECT TO ALL OF THE FOLLOWING CONDITIONS:

(a) THE MEMBER HAS AT LEAST FIVE YEARS 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 GRANTED HAS NOT VESTED WITH THAT PLAN, EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY FEDERAL LAW.

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

**SECTION 2. Effective date.** This act shall take effect January 1, 2003, 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 this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

Approved: March 21, 2002