

CHAPTER 344

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 03-1327

BY REPRESENTATIVE(S) Butcher, McFadyen, Tochtrop, Borodkin, Brophy, Frangas, Madden, Merrifield, Miller, Paccione, Pommer, Romanoff, Veiga, and Vigil;
also SENATOR(S) Tapia, Hanna, and Kester.

AN ACT

CONCERNING AN EXTENSION OF THE TIME IN WHICH RETIREES OF THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION MAY BE EMPLOYED TO WORK AS NONLICENSED EMPLOYEES FOR SCHOOLS WITHOUT REDUCING THE RETIREMENT BENEFITS OF THE RETIREES.

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

SECTION 1. 22-32-109 (1) (f) (II), Colorado Revised Statutes, is amended to read:

22-32-109. Board of education - specific duties - repeal. (1) (f) (II) (A) If a school district determines that, due to an insufficient number of eligible applicants for nonlicensed positions, it is unable to hire the number of nonlicensed employees necessary for the board to meet its duty under subparagraph (I) of this paragraph (f), the board of education may adopt a resolution declaring a critical shortage of nonlicensed employees. The resolution shall be effective for no more than one year after adoption. In order for the school district to declare a critical shortage, the district must have posted the vacancy for a nonlicensed position for at least one month, must have solicited applications through local AND WIDELY DISTRIBUTED newspapers, and must have determined that there is an insufficient number of eligible applicants for nonlicensed positions. THE SCHOOL DISTRICT MAY NOT DECLARE A CRITICAL SHORTAGE IF IT HAS OFFERED AN EXPERIENCE AND LONGEVITY PLAN OR OTHER RETIREMENT INCENTIVE PLAN ENCOURAGING RETIREMENT DURING THE CURRENT CALENDAR YEAR OR EITHER OF THE TWO PREVIOUS CALENDAR YEARS. Following adoption of the resolution, any person who is receiving retirement benefits pursuant to part 6 of article 51 of title 24, C.R.S., or pursuant to part 1 or 2 of article 64 of this title, and who is hired by the school district as a nonlicensed employee, may receive a salary from the school district without reduction in retirement benefits as provided in section 24-51-1101 (1.5), C.R.S., and sections 22-64-111 (4) (a) 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.

22-64-211 (4) (a). ANY SUCH NONLICENSED EMPLOYEE SHALL BE ELIGIBLE TO PARTICIPATE IN THE SCHOOL DISTRICT'S HEALTH PLAN WHILE EMPLOYED AS A NONLICENSED EMPLOYEE.

(B) This subparagraph (II) is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

SECTION 2. 24-51-1101 (1.5) (b) and (2.5) (b), Colorado Revised Statutes, are amended to read:

24-51-1101. Employment after service retirement - repeal. (1.5) (a) A service retiree who is hired as a nonlicensed employee of a school district in which the district board of education has adopted a resolution declaring a critical shortage of nonlicensed employees pursuant to section 22-32-109 (1) (f) (II) (A), C.R.S., may receive a salary from the school district without reduction in benefits, regardless of the number of hours or days worked in the calendar year, if the service retiree has not worked for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement. A service retiree described in this paragraph (a) who works for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement shall be subject to a reduction in benefits as provided in section 24-51-1102 (2).

(b) This subsection (1.5) is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

(2.5) (a) Salary from the employment described in subsection (1.5) of this section shall be subject to employer contributions under the circumstances set forth in section 24-51-1103.5.

(b) This subsection (2.5) is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

SECTION 3. 24-51-1103.5 (3), Colorado Revised Statutes, is amended, and the said 24-51-1103.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-51-1103.5. Contributions for a retiree employed by a school district during critical shortage - no benefit calculation upon subsequent termination - repeal. (2.5) ANY SERVICE RETIREE WHO IS EMPLOYED PURSUANT TO THIS SECTION SHALL NOT RECEIVE A HEALTH CARE PREMIUM SUBSIDY PURSUANT TO SECTION 24-51-1206 DURING SUCH EMPLOYMENT.

(3) This section is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

SECTION 4. 22-64-111 (4) (b), Colorado Revised Statutes, is amended to read:

22-64-111. Employment after retirement - repeal. (4) (b) This subsection (4) is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

SECTION 5. 22-64-211 (4) (b), Colorado Revised Statutes, is amended to read:

22-64-211. Employment after retirement - repeal. (4) (b) This subsection (4) is repealed, effective ~~July 1, 2003~~ JULY 1, 2005.

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, 2003