

## CHAPTER 62

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**GOVERNMENT - STATE**

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SENATE BILL 04-107

BY SENATOR(S) Hillman;  
also REPRESENTATIVE(S) Hall.**AN ACT****CONCERNING PUBLIC EMPLOYEE RETIREMENT PLANS.***Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 24-52-102 (1) (a) (I) (B), Colorado Revised Statutes, is amended to read:

**24-52-102. Deferred compensation plan - state deferred compensation committee.** (1) (a) (I) (B) Thirty days after August 5, 1998, there is hereby created the state deferred compensation committee consisting of the following nine members: The state treasurer, the state controller, or their designees; four employees who are participants in the deferred compensation plan, ONE OF WHOM MAY BE A RETIREE WHO IS A PARTICIPANT IN THE PLAN, and who are elected by participants in the plan; a participant in the deferred compensation plan who shall be appointed by the governor; and two members of the general assembly, one a senator, or former senator who is no longer serving in the general assembly at the time of appointment and who is a participant in the deferred compensation plan, to be appointed by the president of the senate and one a representative, or former representative who is no longer serving in the general assembly and who is a participant in the deferred compensation plan, to be appointed by the speaker of the house of representatives. Each member who is a state official or the member's designee shall serve on the committee for the duration of the member's elected or appointed term of office. Members who are members of the general assembly shall serve on the committee for the duration of their elected terms of office as members of the general assembly; except that a former senator or representative who was not serving in the general assembly at the time of appointment shall serve at the pleasure of the official who appointed such individual to the committee and the participant in the plan appointed by the governor shall serve at the pleasure of the governor.

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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.*

**SECTION 2.** Part 1 of article 52 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-52-106. Confidentiality of personal financial information.** ALL INFORMATION CONTAINED IN RECORDS OF PARTICIPANTS, FORMER PARTICIPANTS, INACTIVE PARTICIPANTS, AND BENEFIT RECIPIENTS AND THEIR DEPENDENTS THAT SPECIFICALLY IDENTIFIES ANY FINANCIAL INFORMATION OF SUCH PERSONS SHALL BE KEPT CONFIDENTIAL BY THE COMMITTEE.

**SECTION 3.** Part 2 of article 52 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**24-52-207. Confidentiality of personal financial information.** ALL INFORMATION CONTAINED IN RECORDS OF PARTICIPANTS, FORMER PARTICIPANTS, INACTIVE PARTICIPANTS, AND BENEFIT RECIPIENTS AND THEIR DEPENDENTS THAT SPECIFICALLY IDENTIFIES ANY FINANCIAL INFORMATION OF SUCH PERSONS SHALL BE KEPT CONFIDENTIAL BY THE COMMITTEE.

**24-52-208. Moneys not subject to legal process.** EXCEPT FOR ASSIGNMENTS FOR CHILD SUPPORT PURPOSES AS PROVIDED FOR IN SECTIONS 14-10-118 (1) AND 14-14-107, C.R.S., AS THEY EXISTED PRIOR TO JULY 1, 1996, FOR INCOME ASSIGNMENTS FOR CHILD SUPPORT PURPOSES PURSUANT TO SECTION 14-14-111.5, C.R.S., FOR LIENS FILED PURSUANT TO SECTION 26-13-128, C.R.S., FOR CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, FOR WRITS OF GARNISHMENT THAT ARE THE RESULT OF A JUDGMENT TAKEN FOR CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, AND FOR PAYMENTS MADE IN COMPLIANCE WITH A PROPERLY EXECUTED COURT ORDER APPROVING A WRITTEN AGREEMENT ENTERED INTO PURSUANT TO SECTION 14-10-113 (6), C.R.S., NO MONEYS, ASSETS, BENEFITS, OR PAYMENTS UNDER A PLAN ESTABLISHED OR ADMINISTERED PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL BE ASSIGNABLE EITHER IN LAW OR IN EQUITY OR BE SUBJECT TO EXECUTION, LEVY, ATTACHMENT, GARNISHMENT, OR ANY OTHER LEGAL PROCESS. NOTHING IN THIS SECTION SHALL BE DEEMED TO ALTER ANY GREATER RESTRICTIONS ON LEGAL PROCESS AGAINST THE DEFINED CONTRIBUTION PLAN UNDER FEDERAL OR STATE LAW.

**SECTION 4.** 24-52-202 (5), Colorado Revised Statutes, is amended to read:

**24-52-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(5) "Employer" means the state, the general assembly, THE OFFICE OF A DISTRICT ATTORNEY IN A JUDICIAL DISTRICT, and any state department that employs an eligible employee.

**SECTION 5.** 14-10-113 (6) (a) (I), Colorado Revised Statutes, is amended to read:

**14-10-113. Disposition of property.** (6) (a) (I) Notwithstanding any

anti-assignment, anti-alienation, or other provision of law to the contrary, all retirement benefits of any nature for public employees from a plan described in ~~section 414 (p)~~ SECTION 401 (a), 403 (b), 414 (d), OR 457 of the federal "Internal Revenue Code of 1986", as amended, that is established pursuant to Colorado law shall be, in all actions for dissolution of marriage, legal separation, and declaration of invalidity of marriage, divisible directly by the plan upon written agreement of the parties to such an action pursuant to paragraph (c) of this subsection (6).

**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: April 1, 2004