

## CHAPTER 80

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**GOVERNMENT - MUNICIPAL**

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## SENATE BILL 05-043

BY SENATOR(S) Evans, Hanna, Taylor, and Wiens;  
also REPRESENTATIVE(S) Stengel, Rose, Berens, Butcher, Coleman, Jahn, Kerr, and Madden.

**AN ACT**

**CONCERNING CLARIFICATION OF EMPLOYERS' EXEMPTION FROM PROVIDING PENSION BENEFITS TO EMPLOYEES UNDER THE STATEWIDE DEFINED BENEFIT PLAN ESTABLISHED FOR POLICE OFFICERS AND FIREFIGHTERS FOR EMPLOYERS THAT COVER EMPLOYEES UNDER SOCIAL SECURITY.**

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

**SECTION 1.** 31-31-401 (1) (a), Colorado Revised Statutes, is amended to read:

**31-31-401. Applicability of plan.** (1) Every employer in this state shall provide the pension benefits of the statewide defined benefit plan established by this part 4 for members hired on or after April 8, 1978, except for the following:

(a) Any employer that ~~covers~~ BEGAN COVERING members under the federal "Social Security Act" ON OR BEFORE AUGUST 11, 2005, AND ANY EMPLOYER THAT BEGAN COVERING MEMBERS UNDER THE FEDERAL "SOCIAL SECURITY ACT" ON OR BEFORE AUGUST 11, 2005, THAT CHOOSES TO COVER MEMBERS HIRED AFTER AUGUST 11, 2005, UNDER THE FEDERAL "SOCIAL SECURITY ACT".

**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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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: April 14, 2005

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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.*