

CHAPTER 18

**GOVERNMENT - MUNICIPAL**

**HOUSE BILL 07-1028**

BY REPRESENTATIVE(S) Liston, Cerbo, McGihon, Borodkin, Gibbs, Hicks, Jahn, King, Labuda, Looper, McFadyen, Merrifield, Riesberg, Rose, Soper, Stafford, Stephens, and Todd; also SENATOR(S) Tochtrop, and Williams.

**AN ACT**

**CONCERNING POLICE OFFICERS' AND FIREFIGHTERS' PENSION OPTIONS FOR NEW HIRE MEMBERS WHO HAVE A CHANGE IN THEIR MARITAL STATUS AFTER RETIRING UNMARRIED.**

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

**SECTION 1.** 31-31-403 (5) (c) and (5) (d), Colorado Revised Statutes, are amended to read:

**31-31-403. Normal retirement - statewide defined benefit plan.**  
(5) (c) (I) After an election has been made of any of the options provided in paragraph (a) of this subsection (5) and the first pension payment has been deposited or otherwise negotiated by the member, or sixty days from date of issuance of the check have elapsed, whichever occurs first, the election shall be irrevocable. The member's beneficiary designation shall also be irrevocable at such time unless the member's marital status changes as the result of dissolution of marriage, ~~death of a beneficiary,~~ marriage, remarriage, or in the event of the death of a beneficiary. In such case, the member may designate a new beneficiary; except that, in cases of dissolution of marriage, this provision shall only apply to any final dissolution of marriage decree of a member entered on or after July 1, 1990.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), AN UNMARRIED MEMBER WHO RECEIVES A SINGLE LIFE ANNUITY AT THE TIME BENEFITS COMMENCE AND WHOSE MARITAL STATUS SUBSEQUENTLY CHANGES AS THE RESULT OF MARRIAGE OR REMARRIAGE MAY ELECT ONE OF THE OPTIONS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (5) WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE OF THE MARRIAGE OR REMARRIAGE OR JANUARY 1, 2008, WHICHEVER DATE IS LATER. IF, AFTER SUCH SELECTION OF A DIFFERENT PAYMENT OPTION, THE MEMBER SUBSEQUENTLY DIES WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE

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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.*

MARRIAGE OR REMARRIAGE, THE ONLY SURVIVOR BENEFIT PAYABLE TO THE MEMBER'S DESIGNATED BENEFICIARY SHALL BE THE DIFFERENCE BETWEEN THE SINGLE LIFE OPTION AMOUNT PAYABLE TO THE MEMBER PRIOR TO MARRIAGE OR REMARRIAGE AND THE AMOUNT OF THE REDUCED BENEFIT THAT WAS ACTUALLY PAID TO THE DECEASED MEMBER AFTER THE MARRIAGE OR REMARRIAGE AND PRIOR TO THE MEMBER'S DEATH.

(d) The joint pension benefits provided by this subsection (5) shall be calculated as the actuarial equivalent of the normal or early retirement pension otherwise payable as provided in subsections (1), (3), and (4) of this section. In the event of a change in beneficiary designation pursuant to paragraph (c) of this subsection (5), the joint pension benefits payable shall be recalculated so as to be the actuarial equivalent of the remainder of the original pension benefits based upon the member's initial beneficiary designation, if any. IN THE EVENT OF A CHANGE IN OPTION ELECTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (5), THE JOINT PENSION BENEFITS PAYABLE SHALL BE RECALCULATED SO AS TO BE THE ACTUARIAL EQUIVALENT OF THE REMAINDER OF THE ORIGINAL PENSION BENEFITS PAYABLE TO THE MEMBER IMMEDIATELY PRIOR TO THE CHANGE IN OPTION.

**SECTION 2.** 31-31-803 (5) (b) (I), Colorado Revised Statutes, is amended to read:

**31-31-803. Retirement for disability.** (5) (b) (I) If, after making the election of a normal disability pension, ~~a single member subsequently marries, the~~ AN UNMARRIED member WHO RECEIVES A SINGLE LIFE ANNUITY AT THE TIME BENEFITS COMMENCE AND WHOSE MARITAL STATUS CHANGES AS THE RESULT OF MARRIAGE OR REMARRIAGE shall be eligible to change the member's original election to take a reduced pension in the same manner as the original election authorized in paragraph (a) of this subsection (5) WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE OF THE MARRIAGE OR REMARRIAGE OR JANUARY 1, 2008, WHICHEVER DATE IS LATER. IF, AFTER SUCH SELECTION OF A DIFFERENT PAYMENT OPTION, THE MEMBER SUBSEQUENTLY DIES WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE MARRIAGE OR REMARRIAGE, THE ONLY SURVIVOR BENEFIT PAYABLE TO THE MEMBER'S DESIGNATED BENEFICIARY SHALL BE THE DIFFERENCE BETWEEN THE SINGLE LIFE OPTION AMOUNT PAYABLE TO THE MEMBER PRIOR TO MARRIAGE OR REMARRIAGE AND THE AMOUNT OF THE REDUCED BENEFIT THAT WAS ACTUALLY PAID TO THE DECEASED MEMBER AFTER THE MARRIAGE OR REMARRIAGE AND PRIOR TO THE MEMBER'S DEATH.

**SECTION 3. 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: March 14, 2007