

CHAPTER 7

GOVERNMENT - LOCAL

SENATE BILL 15-025

BY SENATOR(S) Jones, Balmer, Scott, Ulibarri;
 also REPRESENTATIVE(S) Melton, Court, Ginal, Esgar, Fields, Lebsock, Lontine, Mitsch Bush, Pettersen, Ryden, Salazar, Tyler,
 Williams, Young.

AN ACT

**CONCERNING THE TRANSFER OF AN INDIVIDUAL'S RETIREMENT FUNDS TO THE STATEWIDE DEFINED
 BENEFIT PLAN ADMINISTERED BY THE FIRE AND POLICE PENSION ASSOCIATION.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 31-31-410 as follows:

31-31-410. Purchased or rolled-over service credit. (1) A MEMBER MAY BE GRANTED SERVICE CREDIT UPON THE QUALIFIED TRANSFER OF FUNDS FROM AN ELIGIBLE PENSION PLAN FOR OTHER PUBLIC EMPLOYMENT 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:

(a) THE MEMBER HAS AT LEAST ONE YEAR OF CONTINUOUS SERVICE CREDIT WITH THE SAME EMPLOYER COVERED BY THE STATEWIDE DEFINED BENEFIT PLAN;

(b) THE MEMBER PROVIDES DOCUMENTATION THAT THE BENEFITS IN THE ELIGIBLE PLAN WERE EARNED BASED ON PUBLIC EMPLOYMENT; AND

(c) THE MEMBER TRANSFERS FUNDS TO THE FIRE AND POLICE PENSION ASSOCIATION AT THE TIME AND IN THE MANNER PRESCRIBED BY THE BOARD. THE BOARD SHALL AWARD SERVICE CREDIT TO THE MEMBER IN AN AMOUNT CALCULATED BY THE BOARD ON AN ACTUARIALLY EQUIVALENT BASIS.

~~(1.5) 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 employment 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:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) The member has at least one year 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;
AND

(d) The member pays or transfers FUNDS FROM AN ELIGIBLE ACCOUNT to the fire and police pension association, at the time and in the manner prescribed by the board, TO PAY FOR the cost of the service credit, such cost to be calculated by the board on an actuarially equivalent basis.

(2) A member may purchase up to five years of service credit for periods of active duty in the uniformed services of the United States, subject to all of the following conditions:

(a) The member has at least one year of continuous service credit with the same employer covered by the statewide defined benefit plan;

(b) The member provides documentation of the dates of service in the uniformed services of the United States and that the member was honorably discharged from such service;

(c) The member provides certification from the employer that the service is not intervening service covered by the federal "Uniformed Services Employment and Reemployment Rights Act of 1994", chapter 43 of title 38, U.S.C., as amended;

(d) The member verifies that the member will not receive a benefit from any retirement plan covering such service and that the service credit to be purchased has not vested with that plan, except to the extent otherwise required by federal law;
AND

(e) The member pays 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.

(2.4) A MEMBER MAY BE GRANTED UP TO FIVE YEARS OF SERVICE CREDIT UPON THE QUALIFIED TRANSFER OF FUNDS FROM AN ELIGIBLE PENSION PLAN, FOR EMPLOYMENT WITH ANY PRIVATE EMPLOYER IN THE UNITED STATES, AS MAY BE ALLOWED UNDER THE RULES ADOPTED BY 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 TRANSFERS FUNDS TO THE FIRE AND POLICE PENSION

ASSOCIATION AT THE TIME AND IN THE MANNER PRESCRIBED BY THE BOARD. THE BOARD SHALL AWARD SERVICE CREDIT TO THE MEMBER IN AN AMOUNT CALCULATED BY THE BOARD ON AN ACTUARIALLY EQUIVALENT BASIS.

(c) A MEMBER MAY BE AWARDED OR PURCHASE SERVICE CREDIT PURSUANT TO THIS SUBSECTION (2.4) AND SUBSECTION (2.5) OF THIS SECTION IN AN AMOUNT THAT, WHEN COMBINED, DOES NOT EXCEED FIVE YEARS.

(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 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; AND

(d) The member pays or transfers FUNDS FROM AN ELIGIBLE ACCOUNT to the fire and police pension association, at the time and in the manner prescribed by the board, TO PAY FOR the cost of the service credit, such cost to be calculated by the board on an actuarially equivalent basis.

~~(3) Any service credit purchased under this section must cover a period of one year or longer.~~

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 13, 2015