

CHAPTER 8

GOVERNMENT - LOCAL

SENATE BILL 15-026

BY SENATOR(S) Balmer, Ulibarri;
also REPRESENTATIVE(S) Ginal, Court, Melton, Esgar, Fields, Salazar, Williams, Young.

AN ACT

CONCERNING THE CONTRIBUTION RATE FOR PARTICIPANTS BEGINNING MEMBERSHIP IN THE FIRE AND POLICE PENSION ASSOCIATION'S STATEWIDE DEFINED BENEFIT PLAN.

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

SECTION 1. In Colorado Revised Statutes, 31-31-401, **amend** (3) as follows:

31-31-401. Applicability of plan. (3) Where an employer results from a merger, a consolidation, or an exclusion or dissolution proceeding between or among one or more employers, including a new governmental entity created by intergovernmental agreement between or among one or more employers, all members transferred to or employed by such resulting employer shall, for the purposes of this article and article 30.5 of this title, have those rights and obligations they had prior to the merger, consolidation, exclusion, dissolution, or intergovernmental agreement. In the event of a transfer of members, provision shall be made in such agreement or proceeding for allocation and transfer of plan assets, and, in the event of the transfer of members of a defined benefit plan, provision shall be made in such agreement or proceeding for discharging plan liabilities and funding in order to maintain or enhance the actuarial soundness of the remaining and resulting plans. If the resulting employer had no members prior to the merger, consolidation, exclusion, or dissolution, it may continue as its plan any plan of a transferring employer, authorized by this article, for its members hired after the effective date of the agreement or proceeding or the resulting employer shall belong to the statewide defined benefit plan. The board may authorize the resulting employer to consolidate preexisting retirement plans and any retirement plan attributable solely to the resulting employer into one or more plans if the plans to be consolidated are identical, the benefits are equal for all members covered under the retirement provisions of the plans, and no member suffers a reduction of benefits or an increase in member contributions due to such plan consolidation. ANY

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

MEMBER EMPLOYED BY A PREDECESSOR DEPARTMENT WHO PARTICIPATED IN A MONEY PURCHASE PLAN PRIOR TO THE MERGER, CONSOLIDATION, EXCLUSION, OR DISSOLUTION AND WHO PARTICIPATES IN THE STATEWIDE DEFINED BENEFIT PLAN AFTER THE MERGER, CONSOLIDATION, EXCLUSION, OR DISSOLUTION SHALL PAY THE CONTINUING UNIFORM RATE OF CONTRIBUTION ESTABLISHED BY THE BOARD PURSUANT TO SECTION 31-31-1103 (2).

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