

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
9.1.09

BILL 3

LLS NO. 10-0119.01 Troy Bratton

INTERIM COMMITTEE BILL

Police Officers' and Firefighters' Pension Reform Commission

SHORT TITLE: "Return To Work By FPPA Member"

A BILL FOR AN ACT

101 **CONCERNING THE DISCRETION OF THE BOARD OF DIRECTORS OF THE**
102 **FIRE AND POLICE PENSION ASSOCIATION TO ADOPT RULES**
103 **REGARDING THE RETURN TO WORK BY A MEMBER**
104 **PARTICIPATING IN THE DEFINED BENEFIT SYSTEM OF THE**
105 **ASSOCIATION WHO ELECTS RETIREMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Police Officers' and Firefighters' Pension Reform Commission.
Allows the board of directors of the fire and police pension association to adopt rules, in the board's discretion, suspending the distribution of

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

benefits to any retired member participating in the defined benefit system who, after electing a retirement, has returned to work with an employer who also participates in the defined benefit system.

Allows the board of directors to adopt rules upon findings by the board that allow a member who has elected a retirement to continue to receive retirement benefits and earn additional benefits.

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

2 **SECTION 1.** Part 4 of article 31 of title 31, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **31-31-411. Return to work by participating member after**
6 **retirement - rules.** (1) THE BOARD MAY, IN ITS DISCRETION, ADOPT
7 RULES SUSPENDING THE BENEFITS OF A MEMBER WHO PARTICIPATES IN THE
8 DEFINED BENEFIT SYSTEM, SEPARATES FROM SERVICE, ELECTS A
9 RETIREMENT, AND SUBSEQUENTLY RETURNS TO WORK WITH AN EMPLOYER
10 WHO PARTICIPATES IN THE DEFINED BENEFIT SYSTEM. SUCH RULES SHALL
11 INDICATE WHETHER THE MEMBER SHALL EARN ADDITIONAL SERVICE
12 CREDIT AS DETERMINED BY THE PLAN IN WHICH THE SUBSEQUENT
13 EMPLOYER PARTICIPATES AND WHETHER THE BENEFIT DISTRIBUTION
14 SHALL RESUME AT SUCH TIME AS THE MEMBER SUBSEQUENTLY SEPARATES
15 FROM SERVICE.

16 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
17 BOARD MAY ADOPT RULES THAT ALLOW A MEMBER WHO HAS REACHED
18 NORMAL RETIREMENT AGE AND WHO HAS SEPARATED FROM SERVICE,
19 ELECTED A RETIREMENT UNDER THE DEFINED BENEFIT SYSTEM, AND
20 SUBSEQUENTLY RETURNED TO WORK WITH AN EMPLOYER WHO PROVIDES
21 BENEFITS UNDER THE DEFINED BENEFIT SYSTEM TO:

22 (a) CONTINUE RECEIVING DISTRIBUTION OF THE MEMBER'S

1 RETIREMENT BENEFITS; AND

2 (b) EARN ADDITIONAL RETIREMENT BENEFITS IN AN ALTERNATE
3 MONEY PURCHASE PLAN.

4 (3) PRIOR TO THE ADOPTION OF ANY RULES PROMULGATED
5 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL MAKE
6 A FINDING THAT SUCH RULES ARE IN COMPLIANCE WITH SECTION
7 31-31-204 (3), AND THAT THERE WILL BE NO ADVERSE ACTUARIAL IMPACT
8 TO THE DEFINED BENEFIT SYSTEM AS A RESULT OF THE IMPLEMENTATION
9 OF SUCH RULES.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 shall take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly that is
13 allowed for submitting a referendum petition pursuant to article V,
14 section 1 (3) of the state constitution, (August 5, 2009, if adjournment
15 sine die is on May 6, 2009); except that, if a referendum petition is filed
16 against this act or an item, section, or part of this act within such period,
17 then the act, item, section, or part, if approved by the people, shall take
18 effect on the date of the official declaration of the vote thereon by
19 proclamation of the governor.