

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0217.01 Jason Gelender x4330

HOUSE BILL 22-1101

HOUSE SPONSORSHIP

McLachlan and Catlin, Boesenecker, Valdez D.

SENATE SPONSORSHIP

Sonnenberg and Zenzinger,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF A PROGRAM THAT ALLOWS A PUBLIC**
102 **EMPLOYEES' RETIREMENT ASSOCIATION SERVICE RETIREE TO**
103 **WORK FULL-TIME WITHOUT ANY REDUCTION IN THE SERVICE**
104 **RETIREE'S RETIREMENT BENEFITS FOR A RURAL SCHOOL**
105 **DISTRICT THAT HAS A CRITICAL SHORTAGE OF QUALIFIED**
106 **INDIVIDUALS WITH SPECIFIC EXPERIENCE, SKILLS, OR**
107 **QUALIFICATIONS THAT THE SERVICE RETIREE HAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 23, 2022

The bill expands a program, currently scheduled to repeal on July 1, 2023, that allows a public employees' retirement association (PERA) service retiree to work full-time without any reduction in the service retiree's retirement benefits for a rural school district that has a critical shortage of qualified individuals with specific experience, skills, or qualifications that the service retiree has by:

- Making the program permanent; and
- Adding school nurses and paraprofessionals to those who are eligible for post-PERA retirement full-time employment.

The bill also requires PERA to submit additional reports, containing the same types of information as the initial report that PERA submitted as required by law in 2020, to the finance committees of the general assembly on or before December 1, 2025, and on or before December 1 of each fifth year thereafter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-51-1101, **amend**
3 (1.9)(a)(I), (1.9)(a)(II), (1.9)(i) introductory portion, (1.9)(i)(I), and
4 (1.9)(i)(II); and **repeal** (1.9)(j) as follows:

5 **24-51-1101. Employment after service retirement - report -**
6 **definitions - repeal.** (1.9) (a) (I) Subject to the provisions of subsection
7 (1.9)(h) of this section, a service retiree who is a teacher, a school bus
8 driver, or a school food services cook, A SCHOOL NURSE, OR A
9 PARAPROFESSIONAL, AS DEFINED IN SECTION 22-60.3-102 (9), and is hired
10 pursuant to subsection (1.9)(b) of this section by an employer in the
11 school division of the association that satisfies the criteria specified in
12 subsection (1.9)(a)(II) of this section may receive salary without reduction
13 in benefits for any length of employment in a calendar year if the service
14 retiree has not worked for any employer, as defined in section 24-51-101
15 (20), during the month of the effective date of retirement. A service
16 retiree described in this subsection (1.9)(a) who works for any employer,

1 as defined in section 24-51-101 (20), during the month of the effective
2 date of retirement shall be subject to a reduction in benefits as provided
3 in section 24-51-1102 (2).

4 (II) The provisions of this subsection (1.9) apply only if:

5 (A) The employer in the school division of the association that
6 hires the service retiree is a rural school district as determined by the
7 department of education based on the geographic size of the school
8 district and the distance of the school district from the nearest large,
9 urbanized area, A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN
10 SECTION 22-5-103 (2), OR A CHARTER SCHOOL, AS DEFINED SECTION
11 22-5-119(3)(d), THAT IS LOCATED WITHIN A RURAL SCHOOL DISTRICT and,
12 IF THE EMPLOYER IS A SCHOOL DISTRICT, the school district enrolls six
13 thousand five hundred students or fewer in kindergarten through twelfth
14 grade;

15 (B) The school district, BOARD OF COOPERATIVE SERVICES, OR
16 CHARTER SCHOOL hires the service retiree for the purpose of providing
17 classroom instruction or school bus transportation to students enrolled by
18 the district, ENROLLED BY ONE OR MORE OF THE DISTRICTS SERVED BY THE
19 BOARD OF COOPERATIVE SERVICES, OR ENROLLED BY THE CHARTER
20 SCHOOL, or for the purpose of being a school food services cook, A
21 SCHOOL NURSE, OR A PARAPROFESSIONAL, AS DEFINED IN SECTION
22 22-60.3-102 (9); and

23 (C) The school district, BOARD OF COOPERATIVE SERVICES, OR
24 CHARTER SCHOOL determines that there is a critical shortage of qualified
25 teachers, school bus drivers, or school food services cooks, SCHOOL
26 NURSES, OR PARAPROFESSIONALS, AS DEFINED IN SECTION 22-60.3-102 (9),
27 as applicable, and that the service retiree has specific experience, skills,

1 or qualifications that would benefit the district, BOARD OF COOPERATIVE
2 SERVICES, OR CHARTER SCHOOL.

3 (i) On or before ~~December 1, 2020~~ DECEMBER 1, 2025, AND ON OR
4 BEFORE DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, the association
5 shall submit a report to the finance committees of the house of
6 representatives and the senate, or any successor committees, regarding the
7 employment after service retirement provisions of this subsection (1.9).
8 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
9 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
10 (1.9)(i) CONTINUES INDEFINITELY. The employers in the school division
11 of the association that employ teachers, school bus drivers, ~~or~~ school food
12 services cooks, SCHOOL NURSES, OR PARAPROFESSIONALS, AS DEFINED IN
13 SECTION 22-60.3-102 (9), pursuant to this subsection (1.9) shall provide
14 information requested by the association for the purposes of the report.
15 The report shall include:

16 (I) The number of teachers, school bus drivers, ~~and~~ school food
17 services cooks, SCHOOL NURSES, AND PARAPROFESSIONALS, AS DEFINED
18 IN SECTION 22-60.3-102 (9), who have been employed after service
19 retirement pursuant to this subsection (1.9) as of the date of the report;

20 (II) The extent to which this subsection (1.9) has helped
21 employers in the school division address teacher, school bus driver, ~~and~~
22 school food services cook, SCHOOL NURSE, AND PARAPROFESSIONAL, AS
23 DEFINED IN SECTION 22-60.3-102 (9), shortages;

24 (j) ~~This subsection (1.9) is repealed, effective July 1, 2023.~~

25 **SECTION 2. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.