

CHAPTER 56

GOVERNMENT - STATE

SENATE BILL 24-099

BY SENATOR(S) Pelton R. and Marchman, Buckner, Coleman, Cutter, Exum, Fields, Kirkmeyer, Lundeen, Mullica, Pelton B., Rich, Roberts, Rodriguez, Simpson, Will, Winter F., Zenzinger;
also REPRESENTATIVE(S) Winter T. and McLachlan, Boesenecker, Brown, Froelich, Kipp, Lukens, Marshall, Martinez, Mauro, Velasco, Weissman, Woodrow, Young, McCluskie.

AN ACT

**CONCERNING PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION LIMITATIONS ON EMPLOYMENT
AFTER RETIREMENT FOR A SERVICE RETIREE EMPLOYED BY A RURAL SCHOOL.**

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

SECTION 1. In Colorado Revised Statutes, 24-51-1101, **amend** (1.9)(a), (1.9)(b), (1.9)(h), (1.9)(i), (5)(c), and (5)(m); and **add** (6) as follows:

24-51-1101. Employment after service retirement - report - definitions - repeal. (1.9) (a) (I) Subject to the provisions of subsection (1.9)(h) of this section, a service retiree who is a SUPERINTENDENT, A PRINCIPAL, A teacher, a school bus driver, a school food services cook, a school nurse, or a paraprofessional, as defined in section 22-60.3-102 (9), and is hired pursuant to subsection (1.9)(b) of this section by an employer in the school division of the association that satisfies the criteria specified in subsection (1.9)(a)(II) of this section may receive salary without reduction in benefits for any length of employment in a calendar year if the service retiree has not worked for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement. A service retiree described in this subsection (1.9)(a) who works for any employer, as defined in section 24-51-101 (20), during the month of the effective date of retirement shall be subject to a reduction in benefits as provided in section 24-51-1102 (2).

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

(A) The employer in the school division of the association that hires the service retiree is a SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN SECTION 22-54-104.7 (9)(c), OR A rural school district as determined by the department of education based

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on the geographic size of the school district and the distance of the school district from the nearest large, urbanized area, a board of cooperative services, as defined in section 22-5-103 (2), or a charter school, as defined in section 22-5-119 (3)(d), that is located within a SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN SECTION 22-54-104.7 (9)(c), OR THAT IS LOCATED WITHIN A rural school district ~~and, if the employer is a school district, the school district~~ THAT enrolls six thousand five hundred students or fewer in kindergarten through twelfth grade;

(B) The school district, board of cooperative services, or charter school hires the service retiree for the purpose of providing classroom instruction or school bus transportation to students enrolled by the district, enrolled by one or more of the districts served by the board of cooperative services, or enrolled by the charter school, or for the purpose of being a SUPERINTENDENT, A PRINCIPAL, A school food services cook, a school nurse, or a paraprofessional, as defined in section 22-60.3-102 (9); and

(C) The school district, board of cooperative services, or charter school determines that there is a critical shortage of qualified SUPERINTENDENTS, PRINCIPALS, teachers, school bus drivers, school food services cooks, school nurses, or paraprofessionals, as defined in section 22-60.3-102 (9), as applicable, and that the service retiree has specific experience, skills, or qualifications that would benefit the district, board of cooperative services, or charter school.

(b) An employer in the school division of the association that hires a service retiree pursuant to this subsection (1.9) shall notify the association upon hiring a service retiree pursuant to this subsection (1.9). A list of any and all service retirees employed by the employer shall be provided to the association ~~at the start of each~~ NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE calendar year and shall be updated prior to any additional hirings during the same calendar year.

(h) A teacher, SCHOOL BUS DRIVER, SCHOOL FOOD SERVICES COOK, SCHOOL NURSE, SUPERINTENDENT, PRINCIPAL, OR QUALIFIED PARAPROFESSIONAL who retires before he or she has met the age and service credit requirements for full service retirement benefits pursuant to section 24-51-602 shall not be employed after retirement pursuant to this subsection (1.9) by the employer in the school division that was the teacher's, SCHOOL BUS DRIVER'S, SCHOOL FOOD SERVICES COOK'S, SCHOOL NURSE'S, SUPERINTENDENT'S, PRINCIPAL'S, OR QUALIFIED PARAPROFESSIONAL'S last employer until two years after the teacher's, SCHOOL BUS DRIVER'S, SCHOOL FOOD SERVICES COOK'S, SCHOOL NURSE'S, SUPERINTENDENT'S, PRINCIPAL'S, OR QUALIFIED PARAPROFESSIONAL'S date of retirement.

(i) ~~On or before December 1, 2025, and on or before December 1 of each fifth year thereafter,~~ The association shall submit a report to the finance AND EDUCATION committees of the house of representatives and the senate, or any successor committees, regarding the employment after service retirement provisions of this subsection (1.9) IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION. ~~Notwithstanding the requirement in section 24-1-136 (11)(a)(i), the requirement to submit the report required in this subsection (1.9)(i) continues indefinitely. The employers in the school division of the association that employ teachers, school bus drivers, school food services cooks, school nurses, or paraprofessionals, as defined in section 22-60.3-102 (9), pursuant to this subsection (1.9) shall provide~~

information requested by the association for the purposes of the report. The report shall include:

~~(I) The number of teachers, school bus drivers, school food services cooks, school nurses, and paraprofessionals, as defined in section 22-60.3-102 (9), who have been employed after service retirement pursuant to this subsection (1.9) as of the date of the report;~~

~~(II) The extent to which this subsection (1.9) has helped employers in the school division address teacher, school bus driver, school food services cook, school nurse, and paraprofessional, as defined in section 22-60.3-102 (9), shortages;~~

~~(III) The costs, if any, to the association as a result of this subsection (1.9); and~~

~~(IV) Any other information deemed relevant by the association.~~

(5) (c) A board of cooperative services that hires a service retiree pursuant to this subsection (5) shall notify the association before hiring the service retiree. A list of all service retirees employed by the board of cooperative services shall be provided to the association ~~at the start of each~~ NO LATER THAN SEPTEMBER 1 OF THE APPLICABLE calendar year and shall be updated prior to any additional hirings during the same calendar year.

(m) This subsection (5) is repealed, effective ~~July 1, 2025~~ JULY 1, 2030.

(6) (a) ON OR BEFORE DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, THE ASSOCIATION SHALL SUBMIT A REPORT TO THE FINANCE AND EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE EMPLOYMENT AFTER SERVICE RETIREMENT PROVISIONS OF SUBSECTIONS (1.8), (1.9), AND (5) OF THIS SECTION. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED BY THIS SUBSECTION (6) CONTINUES INDEFINITELY.

(b) THE EMPLOYERS IN THE SCHOOL DIVISION OF THE ASSOCIATION THAT EMPLOY A SERVICE RETIREE PURSUANT TO SUBSECTION (1.8), (1.9), OR (5) OF THIS SECTION SHALL PROVIDE INFORMATION REQUESTED BY THE ASSOCIATION FOR THE PURPOSES OF THE REPORT.

(c) THE REPORT MUST INCLUDE:

(I) THE NUMBER OF SERVICE RETIREES WHO HAVE BEEN EMPLOYED AFTER SERVICE RETIREMENT PURSUANT TO SUBSECTIONS (1.8), (1.9), AND (5) OF THIS SECTION AS OF THE DATE OF THE REPORT;

(II) THE EXTENT TO WHICH SUBSECTION (1.8), (1.9), OR (5) OF THIS SECTION HAVE HELPED EMPLOYERS IN THE SCHOOL DIVISION ADDRESS SHORTAGES;

(III) THE COSTS, IF ANY, TO THE ASSOCIATION AS A RESULT OF SUBSECTION (1.8), (1.9), OR (5) OF THIS SECTION; AND

(IV) ANY OTHER INFORMATION DEEMED RELEVANT BY THE ASSOCIATION.

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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 11, 2024