

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0716.01 Jed Franklin x5484

HOUSE BILL 23-1144

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION DEFINED
102 BENEFIT PLAN PAYMENTS TO AN EX-SPOUSE UPON REMARRIAGE.

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>.)

Currently, a member of any public employee retirement association (member) and the member's ex-spouse can agree to divide the member's monthly retirement benefits under a defined benefit plan pursuant to a divorce. If the member and the ex-spouse agree to divide the monthly benefit payment between them, the ex-spouse is entitled to receive a share of the monthly benefits until the ex-spouse dies.

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

For a member who receives a defined benefit administered by the public employees' retirement association (PERA) on and after specified dates, the bill requires the PERA member and the ex-spouse to agree to terminate the ex-spouse's monthly PERA benefits if the ex-spouse remarries. The bill specifies certain information that must be included in the written agreement dividing the PERA member's benefits and specifies that the terminated monthly benefit will accrue to the retired PERA member.

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-10-113, **add**
3 (6)(b)(V) and (6)(c)(II.5) as follows:

4 **14-10-113. Disposition of property - definitions.**
5 (6) (b) (V) "REMARRIAGE" OR "REARRIED" MEANS A MARRIAGE OR
6 CIVIL UNION BY THE ALTERNATE PAYEE THAT IS SUBSEQUENT TO THE
7 TERMINATION OF THE MARRIAGE OR CIVIL UNION BETWEEN THE
8 PARTICIPANT AND ALTERNATE PAYEE.

9 (c) (II.5) IN ADDITION TO THE REQUIREMENTS SPECIFIED IN
10 SUBSECTION (6)(c)(II) OF THIS SECTION, AN AGREEMENT CONCERNING THE
11 DEFINED BENEFIT PLAN ADMINISTERED BY THE PUBLIC EMPLOYEES'
12 RETIREMENT ASSOCIATION PURSUANT TO ARTICLE 51 OF TITLE 24, MUST
13 COMPLY WITH THE REQUIREMENT OF THIS SUBSECTION (6)(c)(II.5), AS
14 APPLICABLE. FOR AN ACTION FOR A DISSOLUTION OF MARRIAGE OR CIVIL
15 UNION, A LEGAL SEPARATION, OR A DECLARATION OF INVALIDITY OF
16 MARRIAGE OR CIVIL UNION THAT IS FILED ON OR AFTER JANUARY 1, 2024,
17 OR FOR AN ACTION FOR A DISSOLUTION OF MARRIAGE OR CIVIL UNION, A
18 LEGAL SEPARATION, OR A DECLARATION OF INVALIDITY OF MARRIAGE OR
19 CIVIL UNION THAT IS FILED PRIOR TO JANUARY 1, 2024, IN WHICH THE
20 COURT DID NOT ENTER A FINAL PROPERTY DIVISION ORDER CONCERNING
21 THE PARTIES' PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION BENEFITS

1 PRIOR TO JANUARY 1, 2024, THE WRITTEN AGREEMENT DIVIDING THE
2 PUBLIC EMPLOYEE'S RETIREMENT BENEFITS MUST SPECIFY THAT:

3 (A) THE ALTERNATE PAYEE'S RIGHTS TO PAYMENTS TERMINATE
4 THIRTY DAYS AFTER REMARRIAGE;

5 (B) WITHIN THIRTY DAYS OF REMARRIAGE, THE ALTERNATE PAYEE
6 SHALL PROVIDE NOTICE TO THE PUBLIC EMPLOYEES' RETIREMENT
7 ASSOCIATION IN THE FORM OF A SIGNED, NOTARIZED AFFIDAVIT
8 CONTAINING THE ALTERNATE PAYEE'S NAME, SIGNATURE, ADDRESS,
9 SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER, AND DATE OF
10 REMARRIAGE, OR IN THE FORM OF A COMPLETED AND EXECUTED
11 MARRIAGE OR CIVIL UNION CERTIFICATE, CERTIFYING THAT THE
12 ALTERNATE PAYEE IS REMARRIED;

13 (C) THE ALTERNATE PAYEE IS RESPONSIBLE TO THE PARTICIPANT
14 FOR ALL PAYMENTS MADE BY THE PUBLIC EMPLOYEES' RETIREMENT
15 ASSOCIATION TO THE ALTERNATE PAYEE MORE THAN THIRTY DAYS AFTER
16 REMARRIAGE; AND

17 (D) THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION IS NOT
18 RESPONSIBLE TO THE PARTICIPANT OR ALTERNATE PAYEE FOR PAYMENTS
19 MADE MORE THAN THIRTY DAYS AFTER REMARRIAGE.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

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