

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-0726.01 Jessica Herrera x4218

SENATE BILL 24-099

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A BILL FOR AN ACT

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

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>.)

Current law limits the duration of employment a public employees' retirement association (PERA) service retiree can work for a PERA employer without a reduction in PERA retirement benefits. Under certain circumstances, a rural school district may hire a service retiree who is a teacher, a school bus driver, a school food services cook, a school nurse,

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.

HOUSE
Amended 2nd Reading
March 22, 2024

SENATE
3rd Reading Unamended
February 16, 2024

SENATE
Amended 2nd Reading
February 15, 2024

or a qualified paraprofessional without the service retiree receiving a deduction in benefits for any length of employment in the calendar year.

The bill adds superintendents and principals to the list of service retirees hired by a rural school district who may be employed without a reduction in benefits and clarifies that the exemption for a rural school district also includes a small rural school district which has a funded pupil count for the prior budget year of less than 1,000 pupils.

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), (1.9)(b), (1.9)(h), (1.9)(i), (5)(c), and (5)(m); and add (6) as**
4 **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 SUPERINTENDENT, A
8 PRINCIPAL, A teacher, a school bus driver, a school food services cook, a
9 school nurse, or a paraprofessional, as defined in section 22-60.3-102 (9),
10 and is hired pursuant to subsection (1.9)(b) of this section by an employer
11 in the school division of the association that satisfies the criteria specified
12 in subsection (1.9)(a)(II) of this section may receive salary without
13 reduction in benefits for any length of employment in a calendar year if
14 the service retiree has not worked for any employer, as defined in section
15 24-51-101 (20), during the month of the effective date of retirement. A
16 service retiree described in this subsection (1.9)(a) who works for any
17 employer, as defined in section 24-51-101 (20), during the month of the
18 effective date of retirement shall be subject to a reduction in benefits as
19 provided in section 24-51-1102 (2).

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

21 (A) The employer in the school division of the association that
22 hires the service retiree is a SMALL RURAL SCHOOL DISTRICT, AS DEFINED

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


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

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

25 (b) An employer in the school division of the association that hires
26 a service retiree pursuant to this subsection (1.9) shall notify the
27 association upon hiring a service retiree pursuant to this subsection (1.9).

1 A list of any and all service retirees employed by the employer shall be
2 provided to the association ~~at the start of each~~ NO LATER THAN
3 SEPTEMBER 1 OF THE APPLICABLE calendar year and shall be updated prior
4 to any additional hirings during the same calendar year.

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

17 

18 (i) ~~On or before December 1, 2025, and on or before December~~
19 ~~1 of each fifth year thereafter,~~ The association shall submit a report to the
20 finance AND EDUCATION committees of the house of representatives and
21 the senate, or any successor committees, regarding the employment after
22 service retirement provisions of this subsection (1.9) IN ACCORDANCE
23 WITH SUBSECTION (6) OF THIS SECTION. ~~Notwithstanding the requirement~~
24 ~~in section 24-1-136 (11)(a)(I), the requirement to submit the report~~
25 ~~required in this subsection (1.9)(i) continues indefinitely. The employers~~
26 ~~in the school division of the association that employ teachers, school bus~~
27 ~~drivers, school food services cooks, school nurses, or paraprofessionals,~~

1 as defined in section 22-60.3-102 (9), pursuant to this subsection (1.9)
2 shall provide information requested by the association for the purposes of
3 the report. The report shall include:

4 (I) The number of teachers, school bus drivers, school food
5 services cooks, school nurses, and paraprofessionals, as defined in section
6 22-60.3-102 (9), who have been employed after service retirement
7 pursuant to this subsection (1.9) as of the date of the report;

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

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

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

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

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

24 (6) (a) ON OR BEFORE DECEMBER 1, 2025, AND ON OR BEFORE
25 DECEMBER 1 OF EACH FIFTH YEAR THEREAFTER, THE ASSOCIATION SHALL
26 SUBMIT A REPORT TO THE FINANCE AND EDUCATION COMMITTEES OF THE
27 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR

1 COMMITTEES, REGARDING THE EMPLOYMENT AFTER SERVICE RETIREMENT
2 PROVISIONS OF SUBSECTIONS (1.8), (1.9), AND (5) OF THIS SECTION.
3 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
4 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED BY THIS SUBSECTION
5 (6) CONTINUES INDEFINITELY.

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

10 (c) THE REPORT MUST INCLUDE:

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

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

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

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

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 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.