

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 07-0043.01 Esther van Mourik

**HOUSE BILL 07-1028**

---

**HOUSE SPONSORSHIP**

**Liston**, Cerbo, and McGihon

**SENATE SPONSORSHIP**

**Tochtrop**, and Williams

---

**House Committees**  
Local Government

**Senate Committees**  
Local Government

---

**A BILL FOR AN ACT**

101 **CONCERNING POLICE OFFICERS' AND FIREFIGHTERS' PENSION OPTIONS**  
102 **FOR NEW HIRE MEMBERS WHO HAVE A CHANGE IN THEIR**  
103 **MARITAL STATUS AFTER RETIRING UNMARRIED.**

---

**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.**

For a police officers' and firefighters' new hire pension member (member) who is single when he or she retires under the statewide defined benefit plan or is awarded a disability benefit and chooses a single life annuity and who subsequently marries or remarries and wishes to choose a new pension option, allows the member to do so within a specified number of

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

SENATE  
2nd Reading Unamended  
February 16, 2007

HOUSE  
3rd Reading Unamended  
January 29, 2007

HOUSE  
2nd Reading Unamended  
January 26, 2007

days of the date of marriage or remarriage or by a specified date, whichever is later.

Specifies that a disabled member must survive for a specified number of days after the change of pension option in order for the survivor benefit to be payable.

---

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

2           **SECTION 1.** 31-31-403 (5) (c) and (5) (d), Colorado Revised  
3 Statutes, are amended to read:

4           **31-31-403. Normal retirement - statewide defined benefit plan.**

5 (5) (c) (I) After an election has been made of any of the options provided  
6 in paragraph (a) of this subsection (5) and the first pension payment has  
7 been deposited or otherwise negotiated by the member, or sixty days from  
8 date of issuance of the check have elapsed, whichever occurs first, the  
9 election shall be irrevocable. The member's beneficiary designation shall  
10 also be irrevocable at such time unless the member's marital status  
11 changes as the result of dissolution of marriage, ~~death of a beneficiary;~~  
12 marriage, remarriage, or in the event of the death of a beneficiary. In  
13 such case, the member may designate a new beneficiary; except that, in  
14 cases of dissolution of marriage, this provision shall only apply to any  
15 final dissolution of marriage decree of a member entered on or after July  
16 1, 1990.

17           (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH  
18 (c), AN UNMARRIED MEMBER WHO RECEIVES A SINGLE LIFE ANNUITY AT  
19 THE TIME BENEFITS COMMENCE AND WHOSE MARITAL STATUS  
20 SUBSEQUENTLY CHANGES AS THE RESULT OF MARRIAGE OR REMARRIAGE  
21 MAY ELECT ONE OF THE OPTIONS PROVIDED IN PARAGRAPH (a) OF THIS  
22 SUBSECTION (5) WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE OF THE  
23 MARRIAGE OR REMARRIAGE OR JANUARY 1, 2008, WHICHEVER DATE IS

1 LATER. IF, AFTER SUCH SELECTION OF A DIFFERENT PAYMENT OPTION, THE  
2 MEMBER SUBSEQUENTLY DIES WITHIN ONE HUNDRED EIGHTY DAYS  
3 FOLLOWING THE MARRIAGE OR REMARRIAGE, THE ONLY SURVIVOR  
4 BENEFIT PAYABLE TO THE MEMBER'S DESIGNATED BENEFICIARY SHALL BE  
5 THE DIFFERENCE BETWEEN THE SINGLE LIFE OPTION AMOUNT PAYABLE TO  
6 THE MEMBER PRIOR TO MARRIAGE OR REMARRIAGE AND THE AMOUNT OF  
7 THE REDUCED BENEFIT THAT WAS ACTUALLY PAID TO THE DECEASED  
8 MEMBER AFTER THE MARRIAGE OR REMARRIAGE AND PRIOR TO THE  
9 MEMBER'S DEATH.

10 (d) The joint pension benefits provided by this subsection (5) shall  
11 be calculated as the actuarial equivalent of the normal or early retirement  
12 pension otherwise payable as provided in subsections (1), (3), and (4) of  
13 this section. In the event of a change in beneficiary designation pursuant  
14 to paragraph (c) of this subsection (5), the joint pension benefits payable  
15 shall be recalculated so as to be the actuarial equivalent of the remainder  
16 of the original pension benefits based upon the member's initial  
17 beneficiary designation, if any. IN THE EVENT OF A CHANGE IN OPTION  
18 ELECTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (C) OF THIS  
19 SUBSECTION (5), THE JOINT PENSION BENEFITS PAYABLE SHALL BE  
20 RECALCULATED SO AS TO BE THE ACTUARIAL EQUIVALENT OF THE  
21 REMAINDER OF THE ORIGINAL PENSION BENEFITS PAYABLE TO THE  
22 MEMBER IMMEDIATELY PRIOR TO THE CHANGE IN OPTION.

23 **SECTION 2.** 31-31-803 (5) (b) (I), Colorado Revised Statutes,  
24 is amended to read:

25 **31-31-803. Retirement for disability.** (5) (b) (I) If, after making  
26 the election of a normal disability pension, ~~a single member subsequently~~  
27 ~~marries, the~~ AN UNMARRIED member WHO RECEIVES A SINGLE LIFE

1 ANNUITY AT THE TIME BENEFITS COMMENCE AND WHOSE MARITAL STATUS  
2 CHANGES AS THE RESULT OF MARRIAGE OR REMARRIAGE shall be eligible  
3 to change the member's original election to take a reduced pension in the  
4 same manner as the original election authorized in paragraph (a) of this  
5 subsection (5) WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE OF THE  
6 MARRIAGE OR REMARRIAGE OR JANUARY 1, 2008, WHICHEVER DATE IS  
7 LATER. IF, AFTER SUCH SELECTION OF A DIFFERENT PAYMENT OPTION, THE  
8 MEMBER SUBSEQUENTLY DIES WITHIN ONE HUNDRED EIGHTY DAYS  
9 FOLLOWING THE MARRIAGE OR REMARRIAGE, THE ONLY SURVIVOR  
10 BENEFIT PAYABLE TO THE MEMBER'S DESIGNATED BENEFICIARY SHALL BE  
11 THE DIFFERENCE BETWEEN THE SINGLE LIFE OPTION AMOUNT PAYABLE TO  
12 THE MEMBER PRIOR TO MARRIAGE OR REMARRIAGE AND THE AMOUNT OF  
13 THE REDUCED BENEFIT THAT WAS ACTUALLY PAID TO THE DECEASED  
14 MEMBER AFTER THE MARRIAGE OR REMARRIAGE AND PRIOR TO THE  
15 MEMBER'S DEATH.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.