

NOTE: The governor signed this measure on 5/10/2013.

An Act

SENATE BILL 13-234

BY SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Baumgardner, Brophy, Cadman, Carroll, Giron, Guzman, Heath, Hudak, Jahn, Jones, Kefalas, Kerr, King, Lundberg, Newell, Nicholson, Tochtrop, Todd, Morse; also REPRESENTATIVE(S) Gerou, Duran, Levy, Conti, Dore, Exum, Hullinghorst, Labuda, Lee, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Rosenthal, Schafer, Singer, Vigil, Williams, Ferrandino.

CONCERNING THE STATE'S AUTHORITY TO PREPAY ITS OBLIGATION FOR THE UNFUNDED ACCRUED LIABILITY OF OLD HIRE PENSION PLANS THAT ARE AFFILIATED WITH THE FIRE AND POLICE PENSION ASSOCIATION.

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

SECTION 1. In Colorado Revised Statutes, 31-30.5-307, **amend** (2) and (3) as follows:

31-30.5-307. State contribution. (2) (a) On September 30, 1995, and on September 30 of each year thereafter through 2002 and on April 30, 2006, and on April 30 of each year thereafter ~~through 2019~~ THROUGH 2013, the state treasurer shall transfer from the proceeds of the tax imposed by section 10-3-209, C.R.S., to the old hire plan members' benefit trust fund created by section 31-31-701 (6), an amount equal to twenty-six million six hundred thousand dollars minus the amount transferred under section

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

31-30-1112 (2) (g) (I); except that, on April 30, 2012, the total amount transferred pursuant to this subsection (2) shall be five million three hundred twenty-one thousand seventy-nine dollars, and on April 30, 2013, the total amount of such transfer shall be ten million dollars. Such annual transfer to the fund under this subsection (2) shall cease when the requirements of paragraph (c) of subsection (1) of this section have been met, and the final annual transfer may be in an amount less than the amount prescribed by this subsection (2) as determined from the total amount of unfunded accrued liability of employers. Moneys in said fund shall not revert to the general fund but shall be continuously available for the purposes provided in this part 3 and part 11 of article 30 of this title.

(b) ON MAY 31, 2013, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED THIRTY-TWO MILLION FOUR HUNDRED NINE THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS FROM THE GENERAL FUND TO THE OLD HIRE PLAN MEMBERS' BENEFIT TRUST FUND CREATED IN SECTION 31-31-701 (6). NO OTHER TRANSFERS SHALL BE MADE TO THE OLD HIRE PLAN MEMBERS' BENEFIT TRUST FUND PURSUANT TO THIS SECTION.

(3) EXCEPT FOR MONEYS THAT ARE TRANSFERRED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, moneys transferred pursuant to this section shall be included for informational purposes in the ANNUAL general appropriation bill or in supplemental appropriation bills for the purpose of complying with the limitation on state fiscal year spending imposed by section 20 of article X of the state constitution and section 24-77-103, C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-75-220, **add** (3) as follows:

24-75-220. State education fund - transfers - surplus - legislative declaration. (3) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT SENATE BILL 13-234, ENACTED IN 2013, REQUIRED THE STATE TREASURER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE OLD HIRE PLAN MEMBERS' BENEFIT TRUST FUND CREATED IN SECTION 31-31-701 (6), C.R.S., TO SATISFY THE STATE'S FUTURE REQUIRED PAYMENTS. THIS TRANSFER REDUCED THE AMOUNT OF THE GENERAL FUND SURPLUS THAT WOULD OTHERWISE HAVE BEEN TRANSFERRED TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION UNDER SUBSECTION (2) OF THIS SECTION. THE TRANSFERS IN

PARAGRAPH (b) OF THIS SUBSECTION (3) ARE INTENDED TO REIMBURSE THE STATE EDUCATION FUND FOR THIS REDUCED TRANSFER AND THEY REPRESENT THE AMOUNT THE STATE WOULD HAVE CONTRIBUTED TO THE OLD HIRE PLAN MEMBER'S BENEFIT TRUST FUND IN THE ABSENCE OF THE EARLY PAY OFF.

(b) ON APRIL 30, 2014, THE STATE TREASURER SHALL TRANSFER FORTY-FIVE MILLION THREE HUNDRED TWENTY-ONE THOUSAND SEVENTY-NINE DOLLARS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION. ON APRIL 30, 2015, AND APRIL 30 OF EACH YEAR THEREAFTER THROUGH 2018, THE STATE TREASURER SHALL TRANSFER TWENTY-FIVE MILLION THREE HUNDRED TWENTY-ONE THOUSAND SEVENTY-NINE DOLLARS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND. ON APRIL 30, 2019, THE STATE TREASURER SHALL TRANSFER TWENTY-FOUR MILLION NINE HUNDRED NINETY-ONE THOUSAND SEVEN HUNDRED THIRTY-NINE DOLLARS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND.

SECTION 3. Appropriation - adjustments to 2013 long bill.

(1) For the implementation of this act, appropriations shown in the annual general appropriation act to the department of the treasury for the fiscal year beginning July 1, 2013, are adjusted as follows:

(a) The informational general fund appropriation for the fire and police pension association old hire plans, is decreased by \$10,000,000.

(b) The informational general fund exempt appropriation for the fire and police pension association old hire plans, is decreased by \$15,321,079.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO