First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

Bill A

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LLS NO. 03-0107.01 Ed DeCecco **HOUSE BILL**

HOUSE SPONSORSHIP

Snook, and Ragsdale

SENATE SPONSORSHIP

Phillips, and Hanna

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING MEMBERSHIP IN PLANS ADMINISTERED BY THE FIRE AND**
102 **POLICE PENSION ASSOCIATION.**

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. Expands the definition of "member" in the statutory provisions governing police officers' and firefighters' pension plans to include a person who is an employee of a municipality, fire protection district, fire authority, or county improvement district hired on or after July 1, 2003, regardless of the number of hours served in a calendar year.

Exempts members who serve less than 1,600 hours from the statewide defined benefit plan and provides that such members shall be

covered by the statewide money purchase plan.

Permits any county that covers salaried employees whose duties are directly involved with the provision of law enforcement or fire protection, as certified by the county under the federal "Social Security Act", to affiliate with the association either as to coverage under the statewide death and disability plan or as to retirement under the statewide defined benefit plan, or as to both.

Excludes from eligibility for disability and survivor benefits any member whose employer has affiliated with the public employees' retirement association for the purpose of administering retirement benefits.

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

2 **SECTION 1.** 31-31-102 (4), Colorado Revised Statutes, is
3 amended to read:

4 **31-31-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (4) "Member" means an active employee who is a full-time
7 salaried employee of a municipality, fire protection district, FIRE
8 AUTHORITY, or county improvement district normally serving at least one
9 thousand six hundred hours in any calendar year, AND A PERSON WHO IS
10 AN EMPLOYEE OF A MUNICIPALITY, FIRE PROTECTION DISTRICT, FIRE
11 AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT HIRED ON OR AFTER JULY
12 1, 2003, REGARDLESS OF THE NUMBER OF HOURS NORMALLY SERVED IN A
13 CALENDAR YEAR, and IN EITHER CASE, whose duties are directly involved
14 with the provision of police or fire protection, as certified by the
15 member's employer. The term does not include clerical or other
16 personnel whose services are auxiliary to police or fire protection, or any
17 volunteer firefighter, as such term is defined in section 31-30-1102 (9).
18 For the purpose of eligibility for disability or survivor benefits, "member"
19 includes any employee on an authorized leave of absence.

1 **SECTION 2.** 31-31-401, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:
3 **31-31-401. Applicability of plan.** (5) A MEMBER NORMALLY
4 SERVING LESS THAN ONE THOUSAND SIX HUNDRED HOURS IN ANY
5 CALENDAR YEAR SHALL BE EXEMPTED FROM THE STATEWIDE DEFINED
6 BENEFIT PLAN AND SHALL BE COVERED UNDER THE STATEWIDE MONEY
7 PURCHASE PLAN.
8 **SECTION 3.** 31-31-704 (1), Colorado Revised Statutes, is
9 amended, and the said 31-31-704 is further amended BY THE
10 ADDITION OF A NEW SUBSECTION, to read:
11 **31-31-704. Optional affiliation by social security employers.**
12 (1) Notwithstanding the exemption provided in section 31-31-401 (1) (a),
13 any employer that covers members under the federal "Social Security
14 Act", as amended, OR ANY COUNTY THAT COVERS SALARIED EMPLOYEES
15 WHOSE DUTIES ARE DIRECTLY INVOLVED WITH THE PROVISION OF LAW
16 ENFORCEMENT OR FIRE PROTECTION, AS CERTIFIED BY THE COUNTY UNDER
17 THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, may elect affiliation
18 with the association, either as to coverage under the statewide death and
19 disability plan or as to retirement under the statewide defined benefit
20 plan, or as to both, by filing with the board a resolution of the governing
21 body of such employer, but any such affiliation shall either exclude past
22 service credit or include past service credit funded by contribution levels
23 established by the board pursuant to subsection (6) of this section. The
24 employer may make the election to exclude past service credit, but only
25 if such election does not impair any vested rights of members.
26 (1.5) FOR PURPOSES OF ADMINISTERING TO COUNTIES AFFILIATED
27 PURSUANT TO THIS SECTION, ANY COUNTY ELECTING TO AFFILIATE SHALL

BE INCLUDED IN THE DEFINITION OF "EMPLOYER" AND ANY COVERED EMPLOYEE OF SUCH COUNTY SHALL BE INCLUDED IN THE DEFINITION OF "MEMBER".

SECTION 4. 31-31-802 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-31-802. Coverage. (1) Except as provided in section 31-31-803, any member hired before, on, or after April 7, 1978, is eligible for the benefits provided by this part 8, with the exception of the following:

(d) ANY MEMBER WHOSE EMPLOYER HAS AFFILIATED WITH THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION FOR THE PURPOSE OF ADMINISTERING RETIREMENT BENEFITS.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.