Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

Bill E

LLS NO. 10-0157.01 Ed DeCecco

SENATE BILL

SENATE SPONSORSHIP

Morse, Lundberg, Tochtrop, Williams

HOUSE SPONSORSHIP

Labuda, Benefield, Gardner B., King S., Liston, Peniston, Schafer S., Waller

Senate Committees **House Committees**

A BILL FOR AN ACT

101 **CONCERNING A VOLUNTEER FIREFIGHTER PENSION PLAN.**

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. Makes the following changes to the "Volunteer Firefighter Pension Act":

- Eliminates the exclusion of the reimbursement for lost wages from the definition of "compensation", as the term is used in the definition of "volunteer firefighter";
- Permits retired fire department members, including those who have returned to active service, to serve on the board of trustees of a volunteer firefighter pension fund (fund);
- Eliminates an investment restriction on a trustee of a fund;

and

- Eliminates the requirement that the board of trustees of a fund deliver a copy of a report on the condition of the fund to the board of directors of its fire protection district.

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

2 **SECTION 1.** 31-30-1102 (9), Colorado Revised Statutes, is
3 amended to read:

4 **31-30-1102. Definitions.** As used in this part 11, unless the
5 context otherwise requires:

6 (9) (a) "Volunteer firefighter" means a firefighter who renders
7 service to a fire department in a municipality, county, or district, who
8 does not receive compensation as a firefighter, and who is not classified
9 as an employee for purposes of the federal "Fair Labor Standards Act of
10 1938", as amended, based on payments, fees, or benefits that the
11 firefighter receives. "Volunteer firefighter" may include other
12 designations or titles given to firefighters provided that the firefighter
13 meets all of the requirements for being a volunteer firefighter in this part
14 11.

15 (b) For the purposes of this subsection (9), "compensation" does
16 not include:

17 (I) Actual expenses incurred by and reimbursed to a volunteer
18 firefighter;

19 (II) ~~Salary lost as a consequence of actual firefighting duties~~
20 ~~causing the absence of the volunteer firefighter from normal employment;~~

21 (III) Participation in or receipt of benefits from the fund;

22 (IV) Participation in or receipt of benefits upon termination of
23 volunteer services to any district or municipality provided as part of an

internal revenue code qualified volunteer service award plan established for the benefit of volunteer firefighters;

(V) Payments from federal moneys, either through the district or municipality or to the volunteer firefighter directly, for participation in a temporary emergency incident;

(VI) Nominal fees or benefits paid on a per-call basis or as part of an annual merit or recognition award program or other incentive award program.

SECTION 2. 31-30-1105 (1) (c), Colorado Revised Statutes, is amended to read:

31-30-1105. Board - fire protection district. (1) In a fire protection district, the board must consist of the following members:

(c) ~~Two fire department members elected by the fire department members~~ TWO INDIVIDUALS ELECTED FROM ONE OR MORE OF THE FOLLOWING GROUPS TO THE EXTENT SUCH GROUPS EXIST AT THE TIME OF ELECTION: FIRE DEPARTMENT MEMBERS, RETIRED FIRE DEPARTMENT MEMBERS, OR RETIRED FIRE DEPARTMENT MEMBERS RETURNED TO ACTIVE SERVICE PURSUANT TO SECTION 31-30-1132. ALL MEMBERS IN EACH GROUP EXISTING AT THE TIME OF ELECTION SHALL BE GIVEN THE OPPORTUNITY TO VOTE FOR THE TWO INDIVIDUALS. THE TWO INDIVIDUALS SHALL SERVE for two-year terms; except that, at the initial election, one ~~member~~ INDIVIDUAL shall be elected for two years and one ~~member~~ INDIVIDUAL for one year. In all subsequent elections, these ~~members~~ INDIVIDUALS shall be elected for two years.

SECTION 3. 31-30-1113 (2), Colorado Revised Statutes, is amended to read:

31-30-1113. Fund investments. (2) Upon the board's direction,

the treasurer of a municipality or district may invest part of the fund available for investment, with or without one or more other volunteer firefighter pension funds, in a noninsured trust pension plan with a bank or trust company authorized to exercise trust powers in this state as a trustee. The trustee's investment of fund moneys is governed by article 1.1 of title 15, C.R.S. ~~but the trustee shall at all times hold fixed-income obligations having a book value or cost of not less than sixty percent of the total contributions made to the trust less the amounts paid out.~~

SECTION 4. 31-30-1119, Colorado Revised Statutes, is amended to read:

31-30-1119. Board report - municipality. The board shall make a report to the governing body of the municipality ~~or the board of directors of its district, whichever is applicable,~~ on the condition of the fund. The board shall submit the report to the governing body ~~or board of directors~~ before the last meeting in February and the last meeting in August of each year.

SECTION 5. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.