## C.R.S. 31-31-1001

## COLORADO REVISED STATUTES

\*\*\* This document reflects changes current through all laws passed at the Second Regular and First Extraordinary Sessions of the Sixty-Eighth General Assembly of the State of Colorado 2012 and Constitutional and Statutory amendments approved at the General Election on November 6, 2012 \*\*\*

TITLE 31. GOVERNMENT - MUNICIPAL
POWERS AND FUNCTIONS OF CITIES AND TOWNS
ARTICLE 31. FIRE - POLICE - NEW HIRE PENSION PLANS
PART 10. POLICE OFFICERS' AND FIREFIGHTERS' PENSION REFORM COMMISSION

C.R.S. 31-31-1001 (2012)

31-31-1001. Police officers' and firefighters' pension reform commission - creation - duties

- (1) (a) There is hereby created the police officers' and firefighters' pension reform commission to be comprised of five senators appointed by the president of the senate and ten representatives appointed by the speaker of the house of representatives. The party representation shall be in proportion generally to the relative number of members of the two major political parties in each chamber. The chair shall be designated by the speaker of the house of representatives in odd-numbered years and by the president of the senate in even-numbered years. The vice-chair shall be appointed by the speaker of the house of representatives in even-numbered years and by the president of the senate in odd-numbered years. Members of the commission shall receive the same per diem allowance authorized for other members of the general assembly serving on interim study committees and actual expenses for participation in meetings of the commission. Staff services for the commission shall be furnished by the state auditor's office, the legislative council, and the office of legislative legal services. The state auditor, with the approval of the commission, may contract for services deemed necessary for the implementation of this part 10.
- (b) The terms of the members appointed by the speaker of the house of representatives and the president of the senate and who are serving on March 22, 2007, shall be extended to and expire on or shall terminate on the convening date of the first regular session of the sixty-seventh general assembly. As soon as practicable after such convening date, the speaker and the president shall appoint or reappoint members in the same manner as provided in paragraph (a) of this subsection (1). Thereafter, the terms of members appointed or reappointed by the speaker and the president shall expire on the convening date of the first regular session of each general assembly, and all subsequent appointments and reappointments by the speaker and the president shall be made as soon as practicable after such convening date. The person making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed by the speaker and the president shall serve at the pleasure of the appointing authority and shall continue in office until the member's successor is appointed.
- (2) The commission shall study and develop proposed legislation relating to funding of police officers' and firefighters' pensions in this state and benefit designs of such pension plans. The commission study shall include a review of, and the proposed legislation may include, among other subjects, the following:
- (a) Normal retirement age and compulsory retirement;

- (b) Payment of benefits prior to normal retirement age;
- (c) Service requirements for eligibility;
- (d) Rate of accrual of benefits;
- (e) Disability benefits;
- (f) Survivors' benefits;
- (a) Vesting of benefits;
- (h) Employee contributions;
- (i) Postretirement increases;
- (j) Creation of an administrative board;
- (k) Creation of a consolidated statewide system;
- (I) Distribution of state funds;
- (m) Coordination of benefits with other programs;
- (n) The volunteer firefighter pension system;
- (o) The provisions of this article and article 30.5 of this title.
- (3) Repealed.

**HISTORY:** Source:. L. 96: Entire article added with relocations, p. 939, § 1, effective May 23.L. 2000: (1) amended, p. 116, § 3, effective March 15.L. 2007: (1) amended, p. 190, § 27, effective March 22.L. 2010: (3) added, (SB 10-213), ch. 375, p. 1763, § 10, effective June 7.

Editor's note: This title was primarily numbered as articles within chapter 139, C.R.S. 1963; however, a few sections were located in article 1 of chapter 140, C.R.S. 1963. The provisions of this title were repealed and reenacted in 1975, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this title prior to 1975, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title, see the comparative tables located in the back of the index.

Cross references: For local government generally, see title 29; for special districts, see title 32; for garnishment of public servants, see article 61 of title 13; for cooperation with federal government in housing, see article 55 of title 24; for local boards of health, see part 6 of article 1 of title 25; for municipal employees' retirement system, see part 2 of article 51 of title 24; for eminent domain proceedings by a municipality, see article 6 of title 38; for municipal highways, see article 2 of title 43; for the power of a city council or the board of trustees of town to establish airports, see part 2 of article 4 of title 41; for municipal courts, see article 10 of title 13.

Editor's note: This article was added with relocations in 1996 containing provisions of some

sections formerly located in parts 3 to 10 of article 30 of this title. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated.

Editor's note: (1) This section was formerly numbered as § 31-30-901.

(2) Subsection (3)(b) provided for the repeal of subsection (3), effective July 1, 2011. (See L. 2010, p. 1763.)

## **ANNOTATION**

Annotator's note. Since § 31-31-1001 is similar to § 31-30-901 as it existed prior to the 1996 amendment that relocated parts 3 through 10 of article 30, a relevant case construing the provisions of that section has been included in the annotations to this section.

The city of Colorado Springs is subject to the state statutory scheme which requires that cities which have a paid fire department and a population in excess of 100,000 establish a fire fighters pension fund. These provisions require that the fund be administered by a board of trustees who must follow certain guidelines. Colo. Springs Fire Fighters v. Colo. Springs, 784 P.2d 766 (Colo. 1989).

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