

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 26-0444.01 Nicole Myers x4326

**SENATE BILL 26-039**

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**SENATE SPONSORSHIP**

**Snyder and Pelton B.,**

**HOUSE SPONSORSHIP**

**Boesenecker and Taggart,**

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**Senate Committees**  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ADMINISTRATION BY THE FIRE AND POLICE PENSION**  
102     **ASSOCIATION OF DISABILITY AND SURVIVOR BENEFITS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The fire and police pension association (association) currently provides disability retirement and survivor benefits (disability and survivor benefits) for eligible members of the association (members) who become disabled or die. The bill recodifies and reorganizes the disability and survivor benefits statutes, removes outdated provisions, and clarifies ambiguous language. In addition, the bill makes the following

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.



1                   **31-31-801. Disability and survivor benefits program design -**  
2                   **rules.**

3                   (1) THE ASSOCIATION SHALL PROVIDE TWENTY-FOUR-HOUR, ON-  
4                   AND OFF-DUTY COVERAGE.

5                   (2) THE STATEWIDE DEATH AND DISABILITY PLAN CONSISTS OF  
6                   THREE LEVELS OF DISABILITY, INCLUDING TEMPORARY OCCUPATIONAL  
7                   DISABILITY, PERMANENT OCCUPATIONAL DISABILITY, AND TOTAL  
8                   DISABILITY AS SPECIFIED IN THIS PART 8.

9                   (3) THE BOARD MAY ADOPT RULES FOR THE IMPLEMENTATION,  
10                  ADMINISTRATION, AND MANAGEMENT OF THE PLAN, INCLUDING FURTHER  
11                  DEFINING THE STANDARDS FOR DISABILITY, THE PROCESSING OF  
12                  DISABILITY APPLICATIONS, SURVIVOR BENEFITS, AND THE ADMINISTRATIVE  
13                  REVIEW PROCESS.

14                  (4) THE BOARD, AS A FIDUCIARY, MAY DELEGATE ONE OR MORE OF  
15                  ITS RESPONSIBILITIES UNDER THIS PART 8 AS SPECIFIED IN SECTION  
16                  31-31-202 (1)(I) BUT SHALL MAINTAIN ITS RESPONSIBILITY FOR OVERSIGHT  
17                  OF THE DELEGATION.

18                   **31-31-802. [Similar to former 31-31-801] Definitions.**

19                  AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE  
20                  REQUIRES:

21                  (1) "ASSIGNED DUTIES" MEANS THOSE SPECIFIC TASKS OR JOBS  
22                  DESIGNATED BY THE EMPLOYER FOR A PARTICULAR POSITION WITHIN A JOB  
23                  CLASSIFICATION. THE TERM DOES NOT INCLUDE THE DUTIES OF A  
24                  MEMBER'S RANK OR GRADE THAT THE MEMBER IS NOT ACTUALLY  
25                  REQUIRED TO REGULARLY PERFORM IN THE POSITION WHICH THE MEMBER  
26                  OCCUPIES.

27                  (2) "DEPENDENT CHILD" MEANS AN UNMARRIED CHILD UNDER THE

1     AGE OF TWENTY-THREE AND INCLUDES, IF THE BOARD SO DETERMINES,  
2     ANY CHILD, REGARDLESS OF AGE OR MARITAL STATUS, WHO IS SO  
3     MENTALLY OR PHYSICALLY INCAPACITATED THAT THE CHILD CANNOT  
4     PROVIDE FOR THE CHILD'S OWN CARE. THE TERM ALSO INCLUDES A CHILD  
5     WHO IS CONCEIVED BUT UNBORN AT THE DATE OF THE MEMBER'S DEATH  
6     OR THE DATE OF DISABILITY, WHICHEVER APPLIES. ANY APPLICABLE  
7     INCREASE IN BENEFITS OCCURS UPON BIRTH.

8             (3) "OCCUPATIONAL DISABILITY" MEANS A DISABILITY RESULTING  
9     IN AN INCAPACITY TO PERFORM ASSIGNED DUTIES AND EXPECTED, WITH  
10    REASONABLE MEDICAL PROBABILITY, TO EXIST FOR AT LEAST ONE YEAR.

11            (4) "PERMANENT OCCUPATIONAL DISABILITY" MEANS AN  
12    OCCUPATIONAL DISABILITY CAUSED BY A CONDITION THAT IS PERMANENT  
13    OR DEGENERATIVE, AND FOR WHICH THERE IS NO PROGNOSIS FOR  
14    IMPROVEMENT OR RECOVERY THROUGH SURGICAL TREATMENT,  
15    COUNSELING, MEDICATION, THERAPY, OR OTHER MEANS.

16            (5) "STATEWIDE DEATH AND DISABILITY PLAN" OR "PLAN" MEANS  
17    THE PROGRAM CREATED IN THIS PART 8.

18            (6) "TEMPORARY OCCUPATIONAL DISABILITY" MEANS AN  
19    OCCUPATIONAL DISABILITY FOR WHICH THERE IS A PROGNOSIS FOR  
20    IMPROVEMENT OR RECOVERY THROUGH SURGICAL TREATMENT,  
21    COUNSELING, MEDICATION, THERAPY, OR OTHER MEANS.

22            (7) "TOTAL DISABILITY" MEANS INABILITY TO ENGAGE IN ANY  
23    SUBSTANTIAL GAINFUL ACTIVITY BY REASON OF A MEDICALLY  
24    DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT THAT MAY BE  
25    EXPECTED TO RESULT IN DEATH OR THAT HAS LASTED OR MAY BE  
26    EXPECTED TO LAST FOR A PERIOD OF NOT LESS THAN TWELVE MONTHS.

27            **31-31-803. [Similar to former 31-31-802] Coverage and**

1     **eligibility to apply.**

2           (1) ANY MEMBER IS ELIGIBLE FOR THE BENEFITS PROVIDED BY  
3 THIS PART 8, WITH THE EXCEPTION OF THE FOLLOWING:

4           (a) ANY MEMBER WHOSE EMPLOYER COVERS THEM UNDER THE  
5 FEDERAL "SOCIAL SECURITY ACT";

6           (b) ANY MEMBER WHOSE EMPLOYER HAD ESTABLISHED AN EXEMPT  
7 DEFINED BENEFIT PENSION PLAN IN ACCORDANCE WITH PART 8 OF ARTICLE  
8 30.5 OF THIS TITLE 31, ON JANUARY 1, 1980, UNLESS AN EMPLOYER  
9 IRREVOCABLY ELECTED NOT LATER THAN OCTOBER 1, 1983, TO BE  
10 SUBJECT TO THE PROVISIONS OF THIS PART 8;

11           (c) ANY MEMBER WHOSE EMPLOYER HAD ESTABLISHED A MONEY  
12 PURCHASE PLAN ON OR BEFORE DECEMBER 1, 1978, IN ACCORDANCE WITH  
13 THE PROVISIONS OF PART 8 OF ARTICLE 30.5 OF THIS TITLE 31; AND

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

17           (2) (a) DEPARTMENTS PARTICIPATING IN A PLAN ESTABLISHED  
18 PURSUANT TO PART 4, 5, OR 11 OF THIS ARTICLE 31 OR ARTICLE 31.5 OF  
19 THIS TITLE 31 AND NOT PARTICIPATING IN THE PLAN FOR DISABILITY AND  
20 SURVIVOR BENEFITS UNDER THIS PART 8 MAY BE COVERED BY THE  
21 PROVISIONS OF THIS PART 8 IN ACCORDANCE WITH THE TERMS,  
22 CONDITIONS, AND PROCEDURES ESTABLISHED BY THE BOARD.

23           (b) NO WITHDRAWAL FROM COVERAGE UNDER THE DISABILITY AND  
24 SURVIVOR BENEFITS PROVISIONS OF THIS PART 8 IS PERMITTED TO TAKE  
25 EFFECT AFTER DECEMBER 31, 2001.

26           (c) IF AN EMPLOYER HAS WITHDRAWN UNDER THIS SUBSECTION (2),  
27 REENTRY INTO THE DISABILITY AND SURVIVOR BENEFIT PLAN PROVIDED BY

1 THIS PART 8 IS PERMITTED ONLY ONCE, IN ACCORDANCE WITH TERMS,  
2 CONDITIONS, AND PROCEDURES ESTABLISHED BY THE BOARD.

3 (3) IF AN EMPLOYER THAT IS OTHERWISE REQUIRED TO ENROLL ITS  
4 MEMBERS UNDER THE PLAN FAILS TO PROPERLY ENROLL SUCH MEMBERS,  
5 NEITHER THE FIRE AND POLICE PENSION ASSOCIATION NOR THE DEATH AND  
6 DISABILITY TRUST FUND IS OBLIGATED OR LIABLE FOR ANY PURPOSE TO  
7 ANY PERSON OR EMPLOYER ARISING FROM SUCH FAILURE.

8 (4) (a) A MEMBER IS INELIGIBLE FOR DISABILITY RETIREMENT  
9 BENEFITS WITH RESPECT TO AN OCCUPATIONAL OR TOTAL DISABILITY THAT  
10 IS THE PROXIMATE CONSEQUENCE OR RESULT OF A PRE-EXISTING AND  
11 PERMANENT MEDICAL CONDITION.

12 (b) EVERY NEWLY HIRED MEMBER SHALL DISCLOSE THEIR  
13 COMPLETE HEALTH HISTORY ON THE STATEWIDE STANDARD HEALTH  
14 HISTORY FORM PROVIDED BY THE ASSOCIATION.

15 (c) ANY MEMBER WHO CONCEALS ANY MATERIAL FACT  
16 CONCERNING HEALTH HISTORY WHEN COMPLETING THE FORM MAY BE  
17 DISQUALIFIED FROM RECEIVING AN AWARD OF DISABILITY RETIREMENT  
18 BENEFITS UNDER THIS PART 8 IF THE ASSOCIATION DETERMINES THAT THE  
19 CONDITION CONCEALED BY THE MEMBER PROXIMATELY CAUSED THE  
20 TOTAL OR OCCUPATIONAL DISABILITY.

21 (5) MEMBERS WHO HAVE COVERAGE UNDER THIS SECTION ARE  
22 ELIGIBLE TO APPLY FOR DISABILITY RETIREMENT BENEFITS UNDER THIS  
23 PART 8 IF:

24 (a) THE ASSOCIATION RECEIVES AN APPLICATION ON THE  
25 ASSOCIATION-APPROVED FORM NO LATER THAN THREE HUNDRED  
26 SIXTY-FIVE DAYS AFTER THE LAST DAY ON THE PAYROLL UNDER WHICH  
27 DISABILITY COVERAGE UNDER THIS PART 8 IS PROVIDED.

1 (b) THE MEMBER IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT  
2 PENSION FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM  
3 PURSUANT TO SECTION 31-31-204 OR A LOCAL DEFINED BENEFIT  
4 RETIREMENT PENSION PLAN;

5 (c) THE MEMBER HAS NOT REACHED AGE FIFTY-FIVE WITH  
6 TWENTY-FIVE YEARS OF ACCUMULATED SERVICE AS A MEMBER AND IS A  
7 PARTICIPANT UNDER THE STATEWIDE MONEY PURCHASE PLAN PURSUANT  
8 TO PART 5 OF THIS ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE  
9 PLAN; OR

10 (d) THE MEMBER IS NOT PARTICIPATING IN THE DEFERRED  
11 RETIREMENT OPTION PLAN ESTABLISHED PURSUANT TO 31-31.5-409.

12 (6) WITHIN THE APPLICATION FOR DISABILITY RETIREMENT  
13 BENEFITS, A MEMBER MAY IRREVOCABLY ELECT NOT TO BE CONSIDERED  
14 FOR REINSTATEMENT BY THEIR FORMER EMPLOYER IN THE EVENT THAT  
15 SUCH MEMBER BECOMES ELIGIBLE. ANY SUCH ELECTION TERMINATES ANY  
16 OBLIGATION FOR REINSTATEMENT BY THE EMPLOYER AS MAY BE REQUIRED  
17 BY SECTION 31-31-810 (2) OR 31-31-813.

18 (7) WITHIN THE APPLICATION FOR DISABILITY RETIREMENT  
19 BENEFITS, THE EMPLOYER SHALL:

20 (a) MAKE A STATEMENT INDICATING THE REASON FOR THE  
21 MEMBER'S SEPARATION FROM EMPLOYMENT; AND

22 (b) STATE ANY ADDITIONAL BASIS FOR DISABILITY UNDER THE  
23 DEATH AND DISABILITY PROGRAM THAT THE EMPLOYER BELIEVES EXISTS  
24 AND INCLUDE ANY DOCUMENTATION OF RELEVANT MEDICAL EVIDENCE. IF  
25 THE MEMBER'S DISABILITY CEASES TO EXIST AND THE MEMBER BECOMES  
26 ELIGIBLE TO BE RESTORED TO ACTIVE SERVICE PURSUANT TO SECTION  
27 31-31-813 (2), THE ASSOCIATION MAY CONSIDER THE MEMBER FOR A

1 CONTINUING DISABILITY WITH REGARD TO THE ADDITIONAL BASIS  
2 PROVIDED BY THE EMPLOYER. THE ASSOCIATION SHALL CONDUCT THE  
3 CONSIDERATION AS IF THE MEMBER HAD FILED AN ORIGINAL APPLICATION;  
4 EXCEPT THAT LIMITATION PERIODS UNDER SECTION 31-31-813 (2) SHALL  
5 ACCRUE FROM THE DATE OF THE ORIGINAL DISABLEMENT. IF THE MEMBER  
6 FAILS TO BE EXAMINED WITH REGARD TO THE ADDITIONAL BASIS, THE  
7 MEMBER IS ENTITLED TO NEITHER REINSTATEMENT NOR CONTINUING  
8 DISABILITY RETIREMENT BENEFITS.

9 (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
10 SECTION, BENEFITS ARE NOT PAYABLE FOR ANY DISABILITY RESULTING IN  
11 WHOLE OR IN PART FROM:

12 (I) ADDICTION TO A CONTROLLED SUBSTANCE, THE USE OF WHICH  
13 IS PROHIBITED IN ARTICLE 18 OF TITLE 18;

14 (II) ENGAGING IN ANY ACT FOR WHICH THE MEMBER HAS BEEN  
15 CONVICTED OF A FELONY; OR

16 (III) AN INTENTIONALLY SELF-INFLECTED INJURY.

17 (b) AS USED IN THIS SUBSECTION (8):

18 (I) "ADDICTION" HAS THE SAME MEANING SET FORTH IN SECTION  
19 12-24.5-801.

20 (II) "CONTROLLED SUBSTANCE" HAS THE SAME MEANING SET  
21 FORTH IN SECTION 18-18-102.

22 **31-31-804. Total disability.**

23 (1) A MEMBER WHO MEETS THE DEFINITION OF TOTAL DISABILITY,  
24 AS DEFINED BY THIS PART 8 AND THE RULES ADOPTED BY THE BOARD, IS  
25 RETIRED FROM ACTIVE SERVICE FOR DISABILITY AND IS ELIGIBLE TO  
26 RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED IN SUBSECTION  
27 (2) OF THIS SECTION.



1           (2) THE NORMAL ANNUAL DISABILITY RETIREMENT BENEFIT FOR  
2 TOTAL DISABILITY IS SEVENTY PERCENT OF THE ANNUAL BASE SALARY  
3 PAID TO THE MEMBER IMMEDIATELY PRECEDING RETIREMENT FOR  
4 DISABILITY.

5           **31-31-805. Permanent occupational disability.**

6           (1) A MEMBER WHO MEETS THE DEFINITION OF PERMANENTLY  
7 OCCUPATIONALLY DISABLED, AS DEFINED BY THIS PART 8 AND THE RULES  
8 ADOPTED BY THE BOARD, IS RETIRED FROM ACTIVE SERVICE FOR SUCH  
9 TIME AS THE PERMANENT OCCUPATIONAL DISABILITY CONTINUES AND IS  
10 ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED IN  
11 SUBSECTION (2) OF THIS SECTION.

12           (2) THE NORMAL ANNUAL DISABILITY RETIREMENT BENEFIT FOR  
13 PERMANENT OCCUPATIONAL DISABILITY IS FIFTY PERCENT OF THE ANNUAL  
14 BASE SALARY PAID TO THE MEMBER IMMEDIATELY PRECEDING  
15 RETIREMENT FOR DISABILITY.

16           (3) THE ASSOCIATION MAY REQUIRE MEMBERS WHO ARE  
17 RECEIVING A PERMANENT OCCUPATIONAL DISABILITY RETIREMENT  
18 BENEFIT PURSUANT TO THIS SECTION TO PARTICIPATE IN REHABILITATION  
19 AND RETRAINING PROGRAMS AS THE ASSOCIATION DEEMS APPROPRIATE.

20           **31-31-806. Retirement options for members receiving a total**  
21 **or permanent occupational disability retirement benefit.**

22           A MEMBER ELIGIBLE FOR THE NORMAL ANNUAL DISABILITY  
23 RETIREMENT BENEFIT FOR TOTAL DISABILITY OR PERMANENT  
24 OCCUPATIONAL DISABILITY MAY ELECT TO RECEIVE THE NORMAL ANNUAL  
25 DISABILITY RETIREMENT BENEFIT OR A REDUCED BENEFIT UNDER ONE OF  
26 THE OPTIONS ADOPTED BY THE BOARD THROUGH RULE, WHICH SHALL BE  
27 THE ACTUARIAL EQUIVALENT OF THE NORMAL DISABILITY RETIREMENT

1 BENEFIT.

2 **31-31-807. [Similar to former 31-31-803 (2.2)] Temporary**  
3 **occupational disability.**

4 (1) A MEMBER WHO MEETS THE DEFINITION OF TEMPORARILY  
5 OCCUPATIONALLY DISABLED, AS DEFINED BY THIS PART 8 AND THE RULES  
6 ADOPTED BY THE BOARD, IS RETIRED FROM ACTIVE SERVICE FOR SUCH  
7 TIME AS THE TEMPORARY OCCUPATIONAL DISABILITY CONTINUES FOR A  
8 PERIOD UP TO FIVE YEARS FROM THE DATE OF ORIGINAL DISABLEMENT AND  
9 IS ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT BENEFIT PROVIDED  
10 IN THIS SECTION.

11 (2) THE ANNUAL DISABILITY RETIREMENT BENEFIT FOR  
12 TEMPORARY OCCUPATIONAL DISABILITY IS FORTY PERCENT OF THE  
13 ANNUAL BASE SALARY BEING PAID TO THE MEMBER IMMEDIATELY  
14 PRECEDING RETIREMENT FOR DISABILITY.

15 (3) A MEMBER FOUND TO HAVE A TEMPORARY OCCUPATIONAL  
16 DISABILITY IS SUBJECT TO REEXAMINATION AT SUCH TIMES AND IN SUCH  
17 MANNER AS THE ASSOCIATION MAY DIRECT. THE ASSOCIATION MAY  
18 REQUIRE TREATMENT, COUNSELING, OR THERAPY NECESSARY TO  
19 REHABILITATE THE MEMBER FOR RETURN TO WORK. AT THE TIME OF  
20 REEXAMINATION, A MEMBER WITH A TEMPORARY DISABILITY SHALL  
21 PROVIDE EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS  
22 ESTABLISHED BY THE ASSOCIATION. THE ASSOCIATION MAY TERMINATE  
23 BENEFITS IF THE MEMBER FAILS TO MAKE REHABILITATION EFFORTS, FAILS  
24 TO COMPLY WITH THE TREATMENT PLAN, OR FAILS TO PROVIDE EVIDENCE  
25 OF A CONTINUING DISABILITY.

26 (4) A MEMBER WHO REMAINS DISABLED MAY APPLY FOR AN  
27 UPGRADE TO PERMANENT OCCUPATIONAL DISABILITY OR TO TOTAL

1       DISABILITY NO LATER THAN SIX MONTHS PRIOR TO THE END OF FIVE YEARS  
2       FROM THE DATE OF ORIGINAL DISABLEMENT. THE ASSOCIATION MAY  
3       UPGRADE A MEMBER TO A PERMANENT OCCUPATIONAL DISABILITY UPON  
4       A FINDING BY THE ASSOCIATION THAT THE MEMBER MEETS THE DEFINITION  
5       OF PERMANENT OCCUPATIONAL DISABILITY. THE ASSOCIATION MAY  
6       UPGRADE A MEMBER TO A TOTAL DISABILITY UPON A FINDING BY THE  
7       ASSOCIATION THAT THE MEMBER MEETS THE DEFINITION OF TOTAL  
8       DISABILITY. AFTER THE FIVE-YEAR PERIOD, BENEFITS CEASE UNLESS THE  
9       MEMBER HAS BEEN UPGRADED TO EITHER PERMANENT OCCUPATIONAL  
10      DISABILITY OR TOTAL DISABILITY.

11           (5) A MEMBER WHO IS ON TEMPORARY OCCUPATIONAL DISABILITY  
12      IS NOT ENTITLED TO ANY COST OF LIVING ADJUSTMENT.

13           **31-31-808. [Similar to former 31-31-803 (2)] Disability prior**  
14      **to October 1, 2002.**

15           (1) A MEMBER WHO BECOMES OCCUPATIONALLY DISABLED AND  
16      WAS AWARDED DISABILITY PRIOR TO OCTOBER 1, 2002, IS RETIRED FROM  
17      ACTIVE SERVICE FOR SUCH TIME AS THE OCCUPATIONAL DISABILITY  
18      CONTINUES AND IS ELIGIBLE TO RECEIVE THE DISABILITY RETIREMENT  
19      BENEFIT PROVIDED BY SUBSECTION (2) OF THIS SECTION.

20           (2) THE ANNUAL DISABILITY RETIREMENT BENEFIT FOR  
21      OCCUPATIONAL DISABILITY FOR A MEMBER WHO IS RETIRED PURSUANT TO  
22      SUBSECTION (1) OF THIS SECTION IS THIRTY PERCENT OF THE ANNUAL BASE  
23      SALARY PAID TO THE MEMBER IMMEDIATELY PRECEDING RETIREMENT FOR  
24      DISABILITY. THE BENEFIT IS INCREASED BY:

25           (a) TEN PERCENT OF THE ANNUAL BASE SALARY IF THE MEMBER  
26      HAD A SPOUSE AT THE TIME OF BECOMING OCCUPATIONALLY DISABLED,  
27      FOR SO LONG AS SUCH SPOUSE SURVIVES AND IS MARRIED TO THE MEMBER

1 OR IS LEGALLY ENTITLED TO MAINTENANCE FROM THE MEMBER IN AN  
2 AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT OF THE INCREASE IN  
3 THE BENEFIT AUTHORIZED BY THIS SUBSECTION (2)(a). IF THE AMOUNT OF  
4 MAINTENANCE IS LESS THAN THE AMOUNT OF THE INCREASE IN THE  
5 BENEFIT AUTHORIZED BY THIS SUBSECTION (2)(a), THE BENEFIT IS  
6 INCREASED BY AN AMOUNT EQUAL TO THE AMOUNT OF THE MAINTENANCE;  
7 EXCEPT THAT, FOR ANY MEMBER WHO IS RECEIVING THE BENEFIT  
8 AUTHORIZED BY THIS SUBSECTION (2)(a) AND WHO BECOMES LEGALLY  
9 REQUIRED TO PAY MAINTENANCE PRIOR TO JUNE 1, 2001, THE AMOUNT OF  
10 THE BENEFIT IS TEN PERCENT OF THE ANNUAL BASE SALARY.

11 (b) TEN PERCENT OF THE ANNUAL BASE SALARY IF SUCH MEMBER  
12 HAS ANY DEPENDENT CHILDREN.

13 **31-31-809. [Similar to former 31-31-806.5] Disability**  
14 **retirement benefits - on-duty.**

15 (1) THE ASSOCIATION SHALL DETERMINE WHETHER THE DISABILITY  
16 IS THE RESULT OF AN INJURY INCURRED WHILE PERFORMING OFFICIAL  
17 DUTIES OR AN OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE  
18 COURSE OF THE MEMBER'S EMPLOYMENT. AN ON-DUTY DETERMINATION  
19 DOES NOT CHANGE THE BENEFIT AMOUNT AWARDED.

20 (2) THE BOARD SHALL ADOPT RULES THAT SPECIFY STANDARDS  
21 FOR DETERMINING WHETHER A MEMBER'S DISABILITY IS THE RESULT OF AN  
22 INJURY INCURRED WHILE PERFORMING OFFICIAL DUTIES OR AN  
23 OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE COURSE OF  
24 EMPLOYMENT AND THAT ESTABLISH PROCEDURES FOR MAKING SUCH  
25 DETERMINATION.

26 (3) THE DETERMINATIONS MADE BY THE ASSOCIATION PURSUANT  
27 TO THIS SUBSECTION (3) SHALL BE MADE SOLELY ON THE BASIS OF THE

1 MEDICAL EVIDENCE THAT WAS PREVIOUSLY SUBMITTED IN CONNECTION  
2 WITH THE MEMBER'S APPLICATION FOR DISABILITY AND OTHER RELEVANT  
3 EVIDENCE THAT IS CONTEMPORANEOUS IN TIME WITH THE TERMINATION  
4 OF THE MEMBER'S EMPLOYMENT.

5 **31-31-810. Disability decisions and appeals.**

6 (1) (a) THE ASSOCIATION MAKES THE DETERMINATION OF  
7 DISABILITY, WHETHER THE DISABILITY IS OCCUPATIONAL OR TOTAL,  
8 WHETHER THE DISABLING CONDITION IS ON-DUTY, AND THE AMOUNT OF  
9 THE DISABILITY RETIREMENT BENEFIT. THE ASSOCIATION MAY CONSIDER  
10 ANY EVIDENCE IT DEEMS RELEVANT IN MAKING THE DETERMINATION,  
11 INCLUDING REPORTS MADE BY PHYSICIANS, WHO MAY BE APPOINTED UPON  
12 THE RECOMMENDATION OF A MEDICAL ADVISOR WITH WHOM THE BOARD  
13 SHALL CONTRACT TO PROVIDE ADVISORY SERVICES.

14 (b) THE ASSOCIATION MAY REQUEST THAT ANY PHYSICIAN  
15 APPOINTED TO EXAMINE THE DISABILITY APPLICANT ALSO PROVIDE AN  
16 OPINION AS TO WHETHER THE APPLICANT'S INJURY WAS RECEIVED WHILE  
17 PERFORMING OFFICIAL DUTIES OR WHETHER THE APPLICANT'S  
18 OCCUPATIONAL DISEASE AROSE OUT OF AND IN THE COURSE OF THE  
19 APPLICANT'S EMPLOYMENT. THE ASSOCIATION MAY INVESTIGATE CLAIMS  
20 AT THE TIME OF INITIAL APPLICATION FOR BENEFITS OR SUBSEQUENT TO AN  
21 AWARD OF BENEFITS TO DETERMINE ELIGIBILITY OR CONTINUING  
22 ELIGIBILITY FOR SUCH BENEFITS. THE ASSOCIATION MAY APPOINT  
23 INVESTIGATORS AND OTHER PERSONNEL AS NECESSARY TO CARRY OUT  
24 THIS FUNCTION.

25 (c) AN APPLICANT MAY APPEAL THE DECISIONS MADE BY THE  
26 ASSOCIATION PURSUANT TO THIS SUBSECTION (1) THROUGH THE  
27 ADMINISTRATIVE REVIEW PROCEDURES SET FORTH IN THE RULES ADOPTED

1 BY THE BOARD. A FINAL DECISION FROM THE ASSOCIATION CAN ONLY BE  
2 REVIEWED BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) OF THE  
3 COLORADO RULES OF CIVIL PROCEDURE.

4 (d) IN CONNECTION WITH THIS SUBSECTION (1), THE BOARD:

5 (I) MAY APPOINT HEARING OFFICERS TO CONDUCT HEARINGS ON  
6 ANY ISSUE RELATING TO AN APPLICANT'S DISABILITY; AND

7 (II) MAY ADOPT RULES TO ESTABLISH A PROCESS FOR THE  
8 ADMINISTRATIVE REVIEW OF DISABILITY APPLICATIONS, INCLUDING  
9 STANDARDS OF REVIEW FOR THE APPLICATIONS, WITHOUT BOARD REVIEW.

10 (2) IF THE ASSOCIATION DETERMINES THAT AN APPLICANT FOR  
11 DISABILITY IS NOT DISABLED AND THE APPLICANT IS ON SICK LEAVE,  
12 DISABILITY LEAVE, OR OTHER TYPE OF LEAVE OF ABSENCE, IS SERVING IN  
13 A TEMPORARY POSITION PENDING THE DETERMINATION OF AN  
14 APPLICATION, OR HAS BEEN TERMINATED FROM EMPLOYMENT BY THE  
15 EMPLOYER ON THE BASIS OF AN ALLEGED DISABILITY, THE EMPLOYER  
16 SHALL REINSTATE THE APPLICANT TO ACTIVE SERVICE IN THE SAME  
17 POSITION THE APPLICANT HELD PRIOR TO THE COMMENCEMENT OF SUCH  
18 LEAVE, ASSIGNMENT TO A TEMPORARY POSITION, OR TERMINATION. IF THE  
19 EMPLOYER REFUSES TO REINSTATE THE APPLICANT TO THE APPLICANT'S  
20 PRIOR POSITION, THE EMPLOYER SHALL THEREAFTER PAY BENEFITS TO THE  
21 APPLICANT AS IF THE APPLICANT HAD BEEN DETERMINED  
22 OCCUPATIONALLY DISABLED BY THE ASSOCIATION. THE EMPLOYER SHALL  
23 CONTINUE TO PAY SUCH BENEFITS UNTIL THE APPLICANT IS REINSTATED TO  
24 THE APPLICANT'S PRIOR POSITION OR DECLINES AN OFFER OF  
25 REINSTATEMENT.

26 (3) A MEMBER WHOSE DISABILITY RETIREMENT BENEFITS CEASE  
27 AND WHO IS NOT RESTORED TO ACTIVE SERVICE OR A MEMBER WHO

1 ELECTS TO TERMINATE THEIR DISABILITY RETIREMENT BENEFITS IS  
2 ENTITLED TO:

3 (a) ANY VESTED BENEFIT EARNED THROUGH THEIR YEARS OF  
4 SERVICE PRIOR TO BECOMING DISABLED, PAYABLE AT NORMAL  
5 RETIREMENT AGE; OR

6 (b) A REFUND OF THE MEMBER'S CONTRIBUTIONS IF NO BENEFIT IS  
7 VESTED.

8 **31-31-811. [Similar to former 31-31-803 (6)] Cost of living**  
9 **adjustments.**

10 (1) COST OF LIVING ADJUSTMENTS PAYABLE UNDER THE  
11 STATEWIDE DEATH AND DISABILITY PLAN ESTABLISHED IN THIS PART 8 ARE  
12 PAID EFFECTIVE OCTOBER 1 EACH YEAR, AND THE REDETERMINED  
13 AMOUNT OF THE BENEFIT IS PAYABLE FOR THE FOLLOWING TWELVE  
14 MONTHS. TO BE ELIGIBLE FOR A COST OF LIVING ADJUSTMENT,  
15 RETIREMENT BENEFITS SHALL HAVE BEEN PAID FOR AT LEAST TWELVE  
16 CALENDAR MONTHS PRIOR TO THE EFFECTIVE DATE OF THE COST OF LIVING  
17 ADJUSTMENT.

18 (2) (a) FOR THE COST OF LIVING ADJUSTMENT OF PERMANENT  
19 OCCUPATIONAL DISABILITY RETIREMENT BENEFITS, THE AMOUNT OF THE  
20 BENEFIT ON THE EFFECTIVE DATE OF THE BENEFIT IS INCREASED BY A  
21 PERCENTAGE TO BE DETERMINED BY THE BOARD BUT NOT MORE THAN  
22 THREE PERCENT FOR EACH FULL YEAR CONTAINED IN THE PERIOD  
23 COMMENCING WITH THE EFFECTIVE DATE OF THE BENEFIT AND ENDING  
24 WITH THE EFFECTIVE DATE OF THE COST OF LIVING ADJUSTMENT.

25 (b) FOR THE COST OF LIVING ADMUSTMENT OF TOTAL DISABILITY  
26 RETIREMENT BENEFITS, THE AMOUNT OF THE BENEFIT ON THE EFFECTIVE  
27 DATE OF THE BENEFIT IS INCREASED BY THREE PERCENT FOR EACH FULL

1 YEAR CONTAINED IN THE PERIOD COMMENCING WITH THE EFFECTIVE DATE  
2 OF THE BENEFIT AND ENDING WITH THE EFFECTIVE DATE OF THE COST OF  
3 LIVING ADJUSTMENT. IN THE CASE OF A MEMBER CHANGING STATUS FROM  
4 OCCUPATIONAL DISABILITY TO TOTAL DISABILITY, THE THREE PERCENT  
5 COST OF LIVING ADJUSTMENT BEGINS WITH THE EFFECTIVE DATE OF THE  
6 BENEFIT AND THERE IS NO RETROACTIVE COST OF LIVING ADJUSTMENT  
7 APPLIED TO THE BENEFIT FOR ANY PERIOD THAT THE MEMBER WAS  
8 RECEIVING AN OCCUPATIONAL DISABILITY BENEFIT.

9 (3) THE COST OF THE ADJUSTMENT OF BENEFITS PROVIDED BY THIS  
10 SECTION IS FUNDED IN THE SAME MANNER AS OTHER BENEFITS  
11 ESTABLISHED BY THIS PART 8.

12 **31-31-812. [Similar to former 31-31-804] Reduction of**  
13 **disability retirement benefits.**

14 (1) (a) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY  
15 MEMBER WHO IS AWARDED AN OCCUPATIONAL DISABILITY BENEFIT PRIOR  
16 TO OCTOBER 1, 2002, A TOTAL DISABILITY BENEFIT, OR WHO IS  
17 PERMANENTLY OCCUPATIONALLY DISABLED AND WHO IS ALSO ELIGIBLE TO  
18 RECEIVE PAYMENTS FROM THE MEMBER'S INDIVIDUAL ACCOUNT PURSUANT  
19 TO PART 5 OF ARTICLE 31.5 OF THIS TITLE 31 OR A SIMILAR PROVISION IN  
20 A LOCAL PENSION PLAN IS REDUCED BY AN AMOUNT THAT IS THE  
21 ACTUARIAL EQUIVALENT OF THE BENEFITS SUCH MEMBER IS ELIGIBLE TO  
22 RECEIVE FROM THE SEPARATE RETIREMENT ACCOUNT, WHETHER THE  
23 BENEFITS RECEIVED FROM THE ACCOUNT ARE PAID ON A PERIODIC BASIS OR  
24 IN A LUMP SUM.

25 (b) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY  
26 MEMBER WHO IS AWARDED A TOTAL DISABILITY BENEFIT OR WHO IS  
27 PERMANENTLY OCCUPATIONALLY DISABLED AND WHO IS ALSO ELIGIBLE TO



1 RECEIVE A DEFINED BENEFIT FROM A STATEWIDE OR LOCAL PENSION PLAN  
2 IS REDUCED BY THE AMOUNT OF THE DEFINED BENEFIT.

3 (c) ANY DISABILITY RETIREMENT BENEFIT PROVIDED PURSUANT TO  
4 THIS PART 8 IS REDUCED BY THE PRO RATA AMOUNT OF ANY SOCIAL  
5 SECURITY BENEFIT RECEIVED BY THE MEMBER ATTRIBUTABLE TO THE  
6 MEMBER'S QUARTERS OF SOCIAL SECURITY COVERAGE DERIVED FROM  
7 EMPLOYMENT AS A MEMBER.

8 (d) ANY MEMBER RECEIVING AN OCCUPATIONAL DISABILITY  
9 BENEFIT PURSUANT TO THIS PART 8 AND A SOCIAL SECURITY BENEFIT  
10 ATTRIBUTABLE TO THE MEMBER'S QUARTERS OF SOCIAL SECURITY  
11 COVERAGE DERIVED FROM EMPLOYMENT AS A MEMBER SHALL FILE AN  
12 ANNUAL REPORT CONCERNING ANY SOCIAL SECURITY INCOME. IF SUCH  
13 MEMBER KNOWINGLY FAILS TO FILE SUCH REPORT OR FILES A FRAUDULENT  
14 REPORT, THE DISABILITY RETIREMENT BENEFIT IS DISCONTINUED.

15 (2) THE BENEFITS PAYABLE PURSUANT TO THIS PART 8 TO ANY  
16 MEMBER WHO IS OCCUPATIONALLY DISABLED PRIOR TO OCTOBER 1, 2002,  
17 IS PERMANENTLY OCCUPATIONALLY DISABLED, OR WHO IS TOTALLY  
18 DISABLED AND WHO AT THE TIME OF THE AWARD OF SUCH BENEFITS IS A  
19 MEMBER OF A MONEY PURCHASE PLAN PURSUANT TO THIS ARTICLE 31 OR  
20 ARTICLE 30.5 OF THIS TITLE 31, INCLUDING ANY DEPARTMENT CHIEF, WHO  
21 AT THE TIME OF THE AWARD OF SUCH BENEFITS HAS BEEN EXEMPTED FROM  
22 THE STATEWIDE RETIREMENT PLAN AS PERMITTED BY SECTION  
23 31-31.5-203, IS REDUCED BY AN AMOUNT THAT IS THE ACTUARIAL  
24 EQUIVALENT OF THE BENEFITS SUCH MEMBER RECEIVES FROM ANY SUCH  
25 MONEY PURCHASE PLAN, WHETHER THE BENEFITS RECEIVED FROM THE  
26 MONEY PURCHASE PLAN ARE PAID ON A PERIODIC BASIS OR IN A LUMP SUM.  
27 A REDUCTION SHALL NOT EXCEED THE ACTUARIAL EQUIVALENT OF MONEY

1 PURCHASE PLAN BENEFITS IF SUCH BENEFITS HAD BEEN FUNDED AT THE  
2 SAME RATE OF CONTRIBUTIONS SPECIFIED IN SECTION 31-31.5-301.

3 **31-31-813. [Similar to former 31-31-805] Change in disability**  
4 **status - reexamination.**

5 (1) AT ANY TIME THAT A TOTAL DISABILITY CEASES TO EXIST,  
6 BASED UPON PERIODIC REEXAMINATION AS MAY BE REQUIRED BY THE  
7 ASSOCIATION OR BASED UPON OTHER EVIDENCE OF ABILITY TO ENGAGE IN  
8 SUBSTANTIAL GAINFUL ACTIVITY, A MEMBER RETIRED FOR SUCH  
9 DISABILITY SHALL BE DECLARED PERMANENTLY OCCUPATIONALLY  
10 DISABLED, AND THE BENEFITS PROVIDED BY SECTION 31-31-804 ARE  
11 REDUCED TO THE LEVEL PROVIDED IN SECTION 31-31-805.

12 (2) (a) AT ANY TIME THAT AN OCCUPATIONAL DISABILITY CEASES  
13 TO EXIST, BASED UPON PERIODIC REEXAMINATION AS MAY BE REQUIRED  
14 BY THE ASSOCIATION, A MEMBER RETIRED FOR SUCH DISABILITY MAY BE  
15 RESTORED TO ACTIVE SERVICE, AND THE BENEFITS ARE DISCONTINUED.  
16 THE MEMBER SHALL BE RESTORED TO ACTIVE SERVICE BY THE MEMBER'S  
17 FORMER EMPLOYER IF A VACANCY EXISTS IN THE SAME POSITION THE  
18 MEMBER HELD PRIOR TO RETIREMENT, OR IF THERE IS A POSITION OF EQUAL  
19 BASE PAY AVAILABLE, OR IF THE MEMBER AGREES TO ACCEPT ANOTHER  
20 AVAILABLE POSITION THAT MAY NOT BE THE SAME OR OF EQUAL BASE PAY  
21 TO THE MEMBER'S FORMER POSITION.

22 (b) IF THE POSITION TO WHICH THE MEMBER WILL BE RESTORED  
23 REQUIRES, AS A MATTER OF STATE LAW, THAT THE MEMBER MAINTAIN ANY  
24 TYPE OF STATE CERTIFICATION, THE EMPLOYER NEED NOT RESTORE THE  
25 MEMBER TO SUCH POSITION IF THE MEMBER DOES NOT HAVE THE  
26 NECESSARY CERTIFICATION OR THE MEMBER'S CERTIFICATION HAS  
27 OTHERWISE LAPSED, EXPIRED, OR BEEN REVOKED. THE EMPLOYER,

1       HOWEVER, MUST AFFORD THE MEMBER AN OPPORTUNITY TO ATTAIN  
2       CERTIFICATION, RECERTIFICATION, OR REACTIVATION OF AN EXISTING  
3       CERTIFICATION AND MUST HOLD OPEN ANY POSITION THAT THE MEMBER  
4       HAS AGREED TO ACCEPT PURSUANT TO THIS SUBSECTION (2) FOR A PERIOD  
5       NOT TO EXCEED ONE YEAR. THE BOARD IS DIRECTED TO EVALUATE THE  
6       IMPACT OF THIS REQUIREMENT ON EMPLOYERS OF ASSOCIATION MEMBERS.  
7       THE ONE-YEAR PERIOD MAY EXTEND BEYOND THE FIVE-YEAR LIMITATION  
8       SET FORTH IN SUBSECTION (2)(f) OF THIS SECTION, AS LONG AS THE  
9       OPENING OCCURS WITHIN THE FIVE-YEAR PERIOD. DISABILITY RETIREMENT  
10      BENEFITS WILL BE CONTINUED DURING ANY PERIOD, NOT TO EXCEED ONE  
11      YEAR, THAT THE MEMBER IS ATTEMPTING TO ATTAIN CERTIFICATION,  
12      RECERTIFICATION, OR REACTIVATION.

13           (c) IF, AT THE TIME OF A FINDING BY THE ASSOCIATION THAT A  
14      MEMBER'S OCCUPATIONAL DISABILITY HAS CEASED TO EXIST, THERE IS NO  
15      OPENING IN THE SAME POSITION THE MEMBER HELD PRIOR TO RETIREMENT  
16      OR ONE OF EQUAL BASE PAY AND THERE IS NO OPENING IN A POSITION OF  
17      LESSER BASE PAY THAT THE MEMBER AGREES TO ACCEPT, THE  
18      ASSOCIATION MAY ORDER THE MEMBER TO PROCEED WITH ANY  
19      NECESSARY TRAINING IN ORDER TO ATTAIN, REINSTATE, OR REACTIVATE  
20      ANY CERTIFICATION REQUIRED FOR THE POSITION FROM WHICH THE  
21      MEMBER RETIRED. DISABILITY RETIREMENT BENEFITS ARE CONTINUED  
22      DURING THE TRAINING PERIOD UP TO A MAXIMUM OF ONE YEAR.

23           (d) IF THE MEMBER REFUSES TO TAKE THE STEPS NECESSARY TO  
24      ATTAIN CERTIFICATION, RECERTIFICATION, OR REACTIVATION AS  
25      REQUIRED BY SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, OR IF AT  
26      THE END OF THE ONE-YEAR LIMITATION ON ATTAINING CERTIFICATION,  
27      RECERTIFICATION, OR REACTIVATION THE MEMBER HAS NOT ATTAINED THE

1 NECESSARY CERTIFICATION, RECERTIFICATION, OR REACTIVATION,  
2 DISABILITY RETIREMENT BENEFITS ARE DISCONTINUED, AND THE  
3 EMPLOYER IS RELIEVED OF FURTHER OBLIGATIONS PURSUANT TO THIS  
4 SUBSECTION (2).

5 (e) IF A MEMBER REFUSES TO ACCEPT THE SAME OR A POSITION OF  
6 EQUAL BASE PAY, THE DISABILITY RETIREMENT BENEFITS ARE  
7 DISCONTINUED, BUT A MEMBER SHALL NOT LOSE BENEFITS IF THERE IS NO  
8 SUCH VACANCY OR IF THE MEMBER REFUSES TO ACCEPT A POSITION THAT  
9 IS NOT THE SAME OR OF EQUAL BASE PAY TO THE MEMBER'S FORMER  
10 POSITION, OR IF THE EMPLOYER REFUSES TO RESTORE THE MEMBER TO  
11 ACTIVE SERVICE, EXCEPT AS PROVIDED PURSUANT TO SUBSECTION (2)(b)  
12 OF THIS SECTION.

13 (f) IF THE ASSOCIATION DETERMINES THAT A DISABILITY CEASES  
14 TO EXIST, AND IF NO APPROPRIATE VACANCY IS AVAILABLE AT THAT TIME,  
15 THE MEMBER HAS THE FIRST RIGHT OF REFUSAL TO FILL A VACANCY IF IT  
16 OCCURS WITHIN FIVE YEARS FROM THE DATE OF ORIGINAL DISABLEMENT.  
17 IF AN OCCUPATIONAL DISABILITY IS BASED ON A MEDICAL DETERMINATION  
18 OF MENTAL IMPAIRMENT OR DISEASE, THE ASSOCIATION MUST DETERMINE,  
19 THAT THE OCCUPATIONAL DISABILITY CEASES TO EXIST BEFORE THE  
20 MEMBER IS GRANTED A FIRST RIGHT OF REFUSAL.

21 (g) AT LEAST THIRTY DAYS PRIOR TO MAKING ITS DETERMINATION,  
22 THE ASSOCIATION SHALL PROVIDE WRITTEN NOTICE TO THE EMPLOYER  
23 AND MEMBER OF THE OPPORTUNITY FOR A HEARING, UPON REQUEST OF  
24 THE EMPLOYER OR MEMBER. IF A HEARING IS REQUESTED, THE  
25 ASSOCIATION SHALL PROVIDE THE EMPLOYER WITH COPIES OF ANY  
26 MEDICAL REPORTS PREPARED BY THE PHYSICIANS WITH RESPECT TO ANY  
27 EXAMINATION OR REEXAMINATION OF THE MEMBER. NEITHER THE

1 EMPLOYER, THE AGENTS OF THE EMPLOYER, INCLUDING ANY PHYSICIAN  
2 RETAINED TO REVIEW SUCH REPORTS, NOR THE ASSOCIATION SHALL  
3 RELEASE SUCH REPORTS TO ANY OTHER PERSON EXCEPT AS OTHERWISE  
4 ALLOWED IN SECTION 24-72-204 (3)(a)(I).

5 (h) IF THE MEMBER REFUSES A VACANCY IN THE SAME POSITION  
6 THE MEMBER HELD PRIOR TO RETIREMENT OR IN A POSITION OF EQUAL  
7 BASE PAY TO THE MEMBER'S FORMER POSITION, THE DISABILITY  
8 RETIREMENT BENEFITS ARE DISCONTINUED. EXCEPT AS OTHERWISE  
9 PROVIDED IN THIS SUBSECTION (2), IF THE EMPLOYER REFUSES TO ALLOW  
10 A MEMBER WHO EXERCISES SUCH FIRST RIGHT OF REFUSAL TO FILL THE  
11 VACANCY, THE EMPLOYER SHALL THEREAFTER PAY THE COST OF THE  
12 BENEFITS.

13 (i) WHEN A TEMPORARY OCCUPATIONAL DISABILITY CEASES TO  
14 EXIST AND THE MEMBER IS RESTORED TO ACTIVE SERVICE WITH THE  
15 MEMBER'S EMPLOYER, A TRANSFER WILL BE MADE FROM THE STATEWIDE  
16 DEATH AND DISABILITY PLAN TO THE MEMBER'S NORMAL RETIREMENT  
17 PLAN IN THE AMOUNT OF THE MONTHLY EMPLOYER AND EMPLOYEE  
18 CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE  
19 TIME OF DISABILITY BUT NOT MORE THAN SIXTEEN PERCENT OF THE  
20 MONTHLY BASE SALARY THAT THE MEMBER WAS BEING PAID AT THE TIME  
21 OF DISABILITY RETIREMENT, MULTIPLIED BY THE NUMBER OF MONTHS THE  
22 MEMBER RECEIVED TEMPORARY OCCUPATIONAL DISABILITY RETIREMENT  
23 BENEFITS. THE MEMBER WILL RECEIVE SERVICE CREDIT FOR SUCH  
24 TRANSFER. A RESTORED MEMBER OF A LOCAL PLAN THAT HAS A  
25 CONTRIBUTION RATE IN EXCESS OF SIXTEEN PERCENT SHALL HAVE THE  
26 DIFFERENCE BETWEEN THE AMOUNT TRANSFERRED AND THE AMOUNT  
27 THAT WOULD HAVE BEEN CONTRIBUTED AT THE EXCESS RATE, MADE UP BY

1 AN ADDITIONAL CONTRIBUTION FROM THE EMPLOYER.

2 (3) WHEN A MEMBER ON TEMPORARY OCCUPATIONAL DISABILITY  
3 SATISFIES THE AGE AND SERVICE REQUIREMENTS FOR A NORMAL  
4 RETIREMENT, INCLUDING THE TIME THE MEMBER WAS ON TEMPORARY  
5 OCCUPATIONAL DISABILITY, A TRANSFER IS MADE FROM THE STATEWIDE  
6 DEATH AND DISABILITY PLAN TO THE MEMBER'S NORMAL RETIREMENT  
7 PLAN IN THE AMOUNT OF THE MONTHLY EMPLOYER AND EMPLOYEE  
8 CONTRIBUTIONS BEING MADE TO THE MEMBER'S PENSION PLAN AT THE  
9 TIME OF DISABILITY BUT NOT MORE THAN SIXTEEN PERCENT OF THE  
10 MONTHLY BASE SALARY THAT THE MEMBER WAS BEING PAID AT THE TIME  
11 OF DISABILITY MULTIPLIED BY THE NUMBER OF MONTHS THE MEMBER  
12 RECEIVED TEMPORARY OCCUPATIONAL DISABILITY RETIREMENT BENEFITS.  
13 A MEMBER OF A STATEWIDE OR LOCAL RETIREMENT PLAN THAT HAS A  
14 MANDATORY CONTRIBUTION RATE IN EXCESS OF SIXTEEN PERCENT SHALL  
15 HAVE THE DIFFERENCE BETWEEN THE AMOUNT TRANSFERRED AND THE  
16 AMOUNT THAT WOULD HAVE BEEN CONTRIBUTED AT THE EXCESS RATE  
17 MADE UP BY AN ADDITIONAL CONTRIBUTION FROM THE EMPLOYER. THE  
18 MEMBER SHALL THEN BE GRANTED A NORMAL RETIREMENT UNDER THE  
19 MEMBER'S RETIREMENT PLAN AND THE TEMPORARY OCCUPATIONAL  
20 DISABILITY RETIREMENT BENEFITS UNDER THE STATEWIDE DEATH AND  
21 DISABILITY PLAN SHALL TERMINATE.

22 (4) WITHIN FIVE YEARS FROM THE DATE OF A FINDING OF  
23 OCCUPATIONAL DISABILITY PURSUANT TO SUBSECTION (1) OF THIS SECTION  
24 OR FROM THE DATE OF ORIGINAL DISABLEMENT PURSUANT TO SECTION  
25 31-31-805, 31-31-807, OR 31-31-808, A MEMBER RETIRED FOR SUCH  
26 DISABILITY MAY BE DECLARED TOTALLY DISABLED BASED UPON PERIODIC  
27 REEXAMINATION AS ORDERED BY THE ASSOCIATION IN ITS DISCRETION. IF

1 THE MEMBER IS DECLARED TOTALLY DISABLED, THE BENEFITS PROVIDED  
2 BY SECTION 31-31-805, 31-31-807, OR 31-31-808 ARE INCREASED TO THE  
3 LEVEL PROVIDED IN SECTION 31-31-804. COST OF LIVING ADJUSTMENTS  
4 ARE PAID PROSPECTIVELY IN ACCORDANCE WITH SECTION 31-31-811.

5 **31-31-814. [Similar to former 31-31-806] Disqualification upon**  
6 **reemployment.**

7 IF, SUBSEQUENT TO DISABILITY RETIREMENT BENEFITS BEING  
8 AWARDED TO A MEMBER PURSUANT TO THIS PART 8, BUT PRIOR TO A  
9 DECISION OF THE ASSOCIATION THAT AN OCCUPATIONAL DISABILITY  
10 CEASES TO EXIST, A MEMBER IS EMPLOYED OR REEMPLOYED IN THIS STATE  
11 OR ANY OTHER JURISDICTION, PURSUANT TO EITHER AN AGREEMENT OR  
12 COURT ORDER, IN A FULL-TIME SALARIED POSITION THAT NORMALLY  
13 INVOLVES WORKING AT LEAST ONE THOUSAND SIX HUNDRED HOURS IN  
14 ANY GIVEN CALENDAR YEAR AND THE DUTIES OF WHICH ARE DIRECTLY  
15 INVOLVED WITH THE PROVISION OF POLICE OR FIRE PROTECTION AS  
16 DETERMINED BY THE ASSOCIATION, THE DISABILITY RETIREMENT BENEFITS  
17 PROVIDED PURSUANT TO THIS PART 8 ARE DISCONTINUED. ANY  
18 APPLICATION FOR RETIREMENT FOR DISABILITY MADE BY THE MEMBER  
19 AFTER SUCH APPOINTMENT OR REINSTATEMENT SHALL BE TREATED IN ALL  
20 RESPECTS AS A NEW APPLICATION.

21 **31-31-815. [Similar to former 31-31-807] Death of member -**  
22 **survivor benefits.**

23 (1) (a) IF A MEMBER DIES WHILE IN ACTIVE SERVICE OR WHILE ON  
24 TEMPORARY OCCUPATIONAL DISABILITY AND LEAVES A SURVIVING SPOUSE  
25 OR DEPENDENT CHILDREN, OR BOTH, ONE OF THE SURVIVOR BENEFITS  
26 DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION ARE PAID IF THE  
27 MEMBER:

1           (I) IS NOT ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER  
2       AN OLD HIRE PENSION PLAN ESTABLISHED PURSUANT TO ARTICLE 30.5 OF  
3       THIS TITLE 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS  
4       TO A SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES  
5       IN ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT; AND

6           (II) (A) IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT PENSION  
7       FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT  
8       TO SECTION 31-31-204; OR

9           (B) HAS NOT REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS  
10      OF ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER  
11      THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS  
12      ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

13          (b) ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE  
14      REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION ARE SATISFIED:

15          (I) WHEN THERE IS A SURVIVING SPOUSE AND NO DEPENDENT  
16      CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY  
17      BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

18          (II) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT  
19      CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE  
20      SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

21          (III) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE  
22      DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE  
23      MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING  
24      DEATH.

25          (IV) WHEN THERE IS NO SURVIVING SPOUSE AND THREE OR MORE  
26      DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE  
27      MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING



1 DEATH.

2 (V) WHEN THERE IS NO SURVIVING SPOUSE AND TWO DEPENDENT  
3 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY  
4 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

5 (VI) WHEN THERE IS NO SURVIVING SPOUSE AND ONE DEPENDENT  
6 CHILD, THE MONTHLY BENEFIT SHALL BE FORTY PERCENT OF THE MONTHLY  
7 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

8 (2) ANY BENEFIT PROVIDED IN ACCORDANCE WITH THIS SECTION  
9 TO THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A MEMBER WHO DIES  
10 WHILE IN ACTIVE SERVICE TERMINATES UPON THE DEATH OF THE  
11 SURVIVING SPOUSE OR UPON THE DEATH OR TERMINATION OF DEPENDENCY  
12 OF SUCH DEPENDENT CHILD, AS APPLICABLE.

13 (3)(a) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT  
14 CHILD RESIDING IN A SEPARATE HOUSEHOLD FROM THE SURVIVING SPOUSE,  
15 THE SURVIVING SPOUSE RECEIVES TWENTY-FIVE PERCENT OF THE  
16 MONTHLY BASE SALARY AND THE CHILD SHALL RECEIVE THE BALANCE OF  
17 THE BENEFIT PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION.

18 (b) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE  
19 DEPENDENT CHILDREN RESIDING IN A SEPARATE HOUSEHOLD FROM THE  
20 SURVIVING SPOUSE, THE SURVIVING SPOUSE RECEIVES TWENTY-FIVE  
21 PERCENT OF THE MONTHLY BASE SALARY AND THE CHILDREN RECEIVE THE  
22 BALANCE OF THE BENEFIT PURSUANT TO SUBSECTION (1)(b)(III) OF THIS  
23 SECTION.

24 (c) UPON THE TERMINATION OF THE BENEFIT PAYABLE TO THE  
25 CHILD OR CHILDREN PURSUANT TO SUBSECTION (3)(a) OR (3)(b) OF THIS  
26 SECTION, THE SURVIVING SPOUSE RECEIVES THE BENEFIT PURSUANT TO  
27 SUBSECTION (1)(b)(I) OF THIS SECTION.

1           (4) IF A SURVIVOR BENEFIT IS PAYABLE FOR THE BENEFIT OF MORE  
2 THAN ONE DEPENDENT CHILD OF THE MEMBER PURSUANT TO SUBSECTION  
3 (1)(b)(III), (1)(b)(IV), OR (1)(b)(V) OF THIS SECTION AND THE DEPENDENT  
4 CHILDREN RESIDE IN SEPARATE HOUSEHOLDS FROM EACH OTHER, THE  
5 BENEFIT IS DIVIDED EQUALLY AMONG THE CHILDREN.

6           (5) ANY SURVIVING SPOUSE OR DEPENDENT CHILD RECEIVING  
7 BENEFITS PURSUANT TO SUBSECTION (1)(b)(I) OR (1)(b)(VI) OF THIS  
8 SECTION PRIOR TO JANUARY 1, 2002, RECEIVE ANY INCREASED BENEFIT  
9 ESTABLISHED IN SUBSECTION (1)(b)(I) OR (1)(b)(VI) OF THIS SECTION ON  
10 JANUARY 1, 2002, AS APPLICABLE.

11           (6) (a) THE SURVIVOR BENEFITS PAYABLE UNDER THE STATEWIDE  
12 DEATH AND DISABILITY PLAN ESTABLISHED IN THIS PART 8 IS  
13 REDETERMINED EFFECTIVE OCTOBER 1 EACH YEAR, AND THE  
14 REDETERMINED AMOUNT IS PAYABLE FOR THE FOLLOWING TWELVE  
15 MONTHS. TO BE ELIGIBLE FOR REDETERMINATION, THE BENEFITS SHALL  
16 HAVE BEEN PAID FOR AT LEAST TWELVE CALENDAR MONTHS PRIOR TO THE  
17 EFFECTIVE DATE OF REDETERMINATION. THE ANNUAL REDETERMINATION  
18 OF BENEFITS MADE PURSUANT TO THIS SECTION IS IN LIEU OF ANY OTHER  
19 ANNUAL COST OF LIVING ADJUSTMENT.

20           (b) FOR THE REDETERMINATION OF SURVIVOR BENEFITS PAYABLE  
21 PURSUANT TO THIS SECTION, THE AMOUNT OF THE BENEFIT ON THE  
22 EFFECTIVE DATE OF THE BENEFIT IS INCREASED BY A PERCENTAGE TO BE  
23 DETERMINED BY THE BOARD BUT NOT MORE THAN THREE PERCENT FOR  
24 EACH FULL YEAR CONTAINED IN THE PERIOD COMMENCING WITH THE  
25 EFFECTIVE DATE OF THE BENEFIT AND ENDING WITH THE EFFECTIVE DATE  
26 OF THE REDETERMINATION.

27           (c) THE COST OF THE ADJUSTMENT OF BENEFITS PROVIDED BY THIS

1 SECTION IS FUNDED IN THE SAME MANNER AS OTHER BENEFITS  
2 ESTABLISHED BY THIS PART 8.

3 **31-31-816. [Similar to former 31-31-807.5] Death of member**  
4 **- line-of-duty - survivor benefits.**

5 (1)(a) IF A MEMBER DIES WHILE IN ACTIVE SERVICE AS THE DIRECT  
6 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE  
7 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL  
8 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S  
9 EMPLOYMENT, AND IF SUCH MEMBER QUALIFIES FOR LINE-OF-DUTY STATUS  
10 UNDER SECTION 101 (h) OF THE FEDERAL "INTERNAL REVENUE CODE OF  
11 1986", AND LEAVES A SURVIVING SPOUSE OR DEPENDENT CHILDREN, OR  
12 BOTH, ONE OF THE SURVIVOR BENEFITS DESCRIBED IN EITHER SUBSECTION  
13 (1)(b) OR (1)(c) OF THIS SECTION IS PAID IF THE MEMBER:

14 (I) IS NOT ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER  
15 AN OLD HIRE PENSION ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS  
16 TITLE 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS TO A  
17 SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES IN  
18 ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT; AND

19 (II) (A) IS NOT ELIGIBLE FOR THE NORMAL RETIREMENT PENSION  
20 FROM A PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT  
21 TO SECTION 31-31-204; OR

22 (B) HAS NOT REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS  
23 OF ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER  
24 THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS  
25 ARTICLE 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

26 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF  
27 THIS SECTION, ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE

1       REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION ARE SATISFIED:

2               (I) WHEN THERE IS A SURVIVING SPOUSE AND NO DEPENDENT  
3 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY  
4 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

5               (II) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT  
6 CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE  
7 SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

8               (III) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE  
9 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE  
10 MONTHLY BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING  
11 DEATH.

12              (IV) WHEN THERE IS NO SURVIVING SPOUSE AND THREE OR MORE  
13 DEPENDENT CHILDREN, THE MONTHLY BENEFIT IS FIFTY PERCENT OF THE  
14 MONTHLY BASE SALARY PAID TO EACH MEMBER IMMEDIATELY PRECEDING  
15 DEATH.

16              (V) WHEN THERE IS NO SURVIVING SPOUSE AND TWO DEPENDENT  
17 CHILDREN, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY  
18 BASE SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

19              (VI) WHEN THERE IS NO SURVIVING SPOUSE AND ONE DEPENDENT  
20 CHILD, THE MONTHLY BENEFIT IS FORTY PERCENT OF THE MONTHLY BASE  
21 SALARY PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH.

22              (c) FOR SURVIVORS WHO BECOME ELIGIBLE FOR SURVIVOR  
23 BENEFITS ON OR AFTER OCTOBER 15, 2002, ONE OF THE FOLLOWING  
24 SURVIVOR BENEFITS IS PAID IF THE REQUIREMENTS OF SUBSECTION (1)(a)  
25 OF THIS SECTION ARE SATISFIED:

26              (I) THE MONTHLY BENEFIT WHEN THERE IS A SURVIVING SPOUSE,  
27 EITHER WITH OR WITHOUT CHILDREN, IS SEVENTY PERCENT OF THE

1 MONTHLY BASE SALARY BEING PAID TO SUCH MEMBER IMMEDIATELY  
2 PRECEDING DEATH.

3 (II) THE MONTHLY BENEFIT WHEN THERE IS NO SURVIVING SPOUSE  
4 BUT A SURVIVING CHILD OR CHILDREN IS:

5 (A) SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID  
6 TO SUCH MEMBER IMMEDIATELY PRIOR TO DEATH IF THE CHILD OR  
7 CHILDREN WERE LIVING IN THE MEMBER'S HOME AT THE TIME OF THE  
8 MEMBER'S DEATH; OR

9 (B) FORTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID  
10 TO SUCH MEMBER IMMEDIATELY PRIOR TO DEATH FOR ONE CHILD AND  
11 FIFTEEN PERCENT FOR EACH ADDITIONAL CHILD; EXCEPT THAT THE TOTAL  
12 BENEFIT RECEIVED SHALL NOT BE GREATER THAN SEVENTY PERCENT OF  
13 THE MONTHLY BASE SALARY IF THE CHILD OR CHILDREN WERE NOT LIVING  
14 IN THE MEMBER'S HOME AT THE TIME OF THE MEMBER'S DEATH.

15 (2) (a) ON OR AFTER OCTOBER 1, 2001, IF A MEMBER DIES WHILE  
16 IN ACTIVE SERVICE AS THE DIRECT AND PROXIMATE RESULT OF A  
17 PERSONAL INJURY SUSTAINED WHILE PERFORMING OFFICIAL DUTIES OR AS  
18 A RESULT OF AN OCCUPATIONAL DISEASE ARISING OUT OF AND IN THE  
19 COURSE OF THE MEMBER'S EMPLOYMENT, AND IF SUCH MEMBER QUALIFIES  
20 FOR LINE-OF-DUTY STATUS UNDER SECTION 101 (h) OF THE FEDERAL  
21 "INTERNAL REVENUE CODE OF 1986", AND LEAVES A SURVIVING SPOUSE  
22 OR DEPENDENT CHILDREN, OR BOTH, ONE OF THE SURVIVOR BENEFITS  
23 DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION IS PAID IF THE MEMBER:

24 (I) IS ELIGIBLE FOR A NORMAL RETIREMENT PENSION UNDER AN  
25 OLD HIRE PENSION ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS TITLE  
26 31 THAT PROVIDES FOR POSTRETIREMENT SURVIVOR BENEFITS TO A  
27 SPOUSE AND DEPENDENT CHILDREN IN THE EVENT THE MEMBER DIES IN

1 ACTIVE SERVICE WHILE ELIGIBLE FOR NORMAL RETIREMENT;

2 (II) IS ELIGIBLE FOR THE NORMAL RETIREMENT PENSION FROM A

3 PLAN THAT IS PART OF THE DEFINED BENEFIT SYSTEM PURSUANT TO

4 SECTION 31-31-204; OR

5 (III) HAS REACHED AGE FIFTY-FIVE WITH TWENTY-FIVE YEARS OF

6 ACCUMULATED SERVICE AS A MEMBER AND IS A PARTICIPANT UNDER THE

7 STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS ARTICLE

8 31 OR UNDER A LOCAL MONEY PURCHASE PLAN.

9 (b) ONE OF THE FOLLOWING SURVIVOR BENEFITS IS PAID IF THE

10 REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION ARE SATISFIED AND

11 IF THE SURVIVOR BENEFIT CURRENTLY RECEIVED PURSUANT TO

12 SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS SECTION IS LESS

13 THAN SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID TO

14 THE MEMBER IMMEDIATELY PRECEDING DEATH:

15 (I) THE MONTHLY BENEFIT TO BE PAID IN ADDITION TO THE

16 MONTHLY RETIREMENT BENEFIT OTHERWISE PAYABLE WHEN THERE IS A

17 SURVIVING SPOUSE, EITHER WITH OR WITHOUT CHILDREN, IS THE

18 DIFFERENCE BETWEEN SEVENTY PERCENT OF THE MONTHLY BASE SALARY

19 PAID TO SUCH MEMBER IMMEDIATELY PRECEDING DEATH AND THE

20 AMOUNT PAYABLE PURSUANT TO BENEFITS RECEIVED UNDER THE PLAN

21 IDENTIFIED IN SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS

22 SECTION.

23 (II) THE MONTHLY BENEFIT TO BE PAID IN ADDITION TO THE

24 MONTHLY RETIREMENT BENEFIT OTHERWISE PAYABLE WHEN THERE IS NO

25 SURVIVING SPOUSE BUT THERE IS A SURVIVING CHILD OR CHILDREN IS:

26 (A) IF THE CHILD OR CHILDREN WERE LIVING IN THE MEMBER'S

27 HOME AT THE TIME OF THE MEMBER'S DEATH, THE DIFFERENCE BETWEEN

1 SEVENTY PERCENT OF THE MONTHLY BASE SALARY BEING PAID TO SUCH  
2 MEMBER IMMEDIATELY PRECEDING DEATH AND THE AMOUNT PAYABLE  
3 PURSUANT TO BENEFITS RECEIVED UNDER THE PLAN IDENTIFIED IN  
4 SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS SECTION; OR

5 (B) IF THE CHILD OR CHILDREN WERE NOT LIVING IN THE MEMBER'S  
6 HOME AT THE TIME OF THE MEMBER'S DEATH, THE SUM OF FORTY PERCENT  
7 OF THE MONTHLY BASE SALARY BEING PAID TO SUCH MEMBER  
8 IMMEDIATELY PRIOR TO DEATH FOR THE FIRST CHILD PLUS FIFTEEN  
9 PERCENT FOR EACH ADDITIONAL CHILD, THE TOTAL OF WHICH SHALL NOT  
10 BE GREATER THAN SEVENTY PERCENT OF THE MONTHLY BASE SALARY LESS  
11 THE AMOUNT PAYABLE PURSUANT TO BENEFITS RECEIVED UNDER THE  
12 PLAN IDENTIFIED IN SUBSECTION (2)(a)(I), (2)(a)(II), OR (2)(a)(III) OF THIS  
13 SECTION.

14 (3) THE BOARD SHALL ADOPT RULES THAT SPECIFY STANDARDS  
15 AND ESTABLISH PROCEDURES FOR DETERMINING WHETHER A MEMBER'S  
16 DEATH IS THE DIRECT AND PROXIMATE RESULT OF A PERSONAL INJURY  
17 SUSTAINED WHILE PERFORMING OFFICIAL DUTIES OR AN OCCUPATIONAL  
18 DISEASE ARISING OUT OF AND IN THE COURSE OF A MEMBER'S  
19 EMPLOYMENT AND, IN THE CASE OF A LINE-OF-DUTY DEATH, WHETHER  
20 ANY OF THE EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL  
21 "INTERNAL REVENUE CODE OF 1986", ARE APPLICABLE. SUCH DECISIONS  
22 BY THE ASSOCIATION MAY BE APPEALED THROUGH THE ADMINISTRATIVE  
23 REVIEW PROCEDURES SET FORTH IN THE RULES ADOPTED BY THE BOARD  
24 AND SUCH FINAL DECISION BY THE ASSOCIATION CAN ONLY BE REVIEWED  
25 BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) THE COLORADO  
26 RULES OF CIVIL PROCEDURE. THE BOARD MAY APPOINT HEARING OFFICERS  
27 TO CONDUCT HEARINGS ON ANY ISSUE RELATING TO SURVIVOR BENEFITS.

1           (4) (a) THE BOARD SHALL ADOPT RULES THAT SPECIFY THE  
2 METHOD OF REVIEWING EXISTING SURVIVOR BENEFIT AWARDS TO:

3           (I) DETERMINE WHETHER A MEMBER'S DEATH WAS THE DIRECT  
4 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE  
5 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL  
6 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S  
7 EMPLOYMENT;

8           (II) DETERMINE, IN THE CASE OF LINE-OF-DUTY DEATHS  
9 OCCURRING AFTER DECEMBER 31, 1996, WHETHER ANY OF THE  
10 EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL "INTERNAL  
11 REVENUE CODE OF 1986", ARE APPLICABLE;

12           (III) ESTABLISH PROCEDURES FOR MAKING SUCH DETERMINATIONS  
13 AND THE APPEALS THROUGH THE ADMINISTRATIVE REVIEW PROCEDURES,  
14 INCLUDING THE APPOINTMENT OF HEARING OFFICERS TO CONDUCT  
15 HEARINGS. FINAL DECISIONS BY THE ASSOCIATION CAN ONLY BE REVIEWED  
16 BY PROPER COURT ACTION SUBJECT TO RULE 106 (a)(4) OF THE COLORADO  
17 RULES OF CIVIL PROCEDURE.

18           (b) THE DETERMINATIONS MADE BY THE BOARD PURSUANT TO THIS  
19 SUBSECTION (4) ARE MADE ON THE BASIS OF THE MEDICAL EVIDENCE THAT  
20 WAS PREVIOUSLY SUBMITTED IN CONNECTION WITH THE APPLICATION FOR  
21 SURVIVOR BENEFITS AND OTHER RELEVANT NONTESTIMONIAL EVIDENCE.

22           (c) ANY DECISION MADE BY THE BOARD TO CHANGE AN EXISTING  
23 SURVIVOR BENEFIT AWARD TO AN ON-DUTY SURVIVOR BENEFIT UNDER  
24 THIS SUBSECTION (4) OPERATES ON A PROSPECTIVE BASIS FROM THE DATE  
25 OF THE BOARD'S DECISION.

26           (5) ANY BENEFIT PROVIDED IN ACCORDANCE WITH THIS SECTION  
27 TO THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A MEMBER WHO DIES



1 WHILE IN ACTIVE SERVICE TERMINATES UPON THE DEATH OF THE  
2 SURVIVING SPOUSE OR UPON THE DEATH OR TERMINATION OF DEPENDENCY  
3 OF THE DEPENDENT CHILD, AS APPLICABLE.

4 (6) (a) WHEN THERE IS A SURVIVING SPOUSE AND ONE DEPENDENT  
5 CHILD RESIDING IN A SEPARATE HOUSEHOLD FROM THE SURVIVING SPOUSE,  
6 THE SURVIVING SPOUSE RECEIVES TWO-THIRDS OF THE BENEFIT AND THE  
7 CHILD RECEIVES THE BALANCE OF THE BENEFIT PURSUANT TO SUBSECTION  
8 (1) OR (2) OF THIS SECTION.

9 (b) WHEN THERE IS A SURVIVING SPOUSE AND TWO OR MORE  
10 DEPENDENT CHILDREN RESIDING IN A SEPARATE HOUSEHOLD FROM THE  
11 SURVIVING SPOUSE, THE SURVIVING SPOUSE RECEIVES FIFTY PERCENT OF  
12 THE BENEFIT AND THE CHILDREN RECEIVE THE BALANCE OF THE BENEFIT  
13 PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION.

14 (c) UPON THE TERMINATION OF THE BENEFIT PAYABLE TO THE  
15 CHILD OR CHILDREN PURSUANT TO SUBSECTION (6)(a) OR (6)(b) OF THIS  
16 SECTION, THE SURVIVING SPOUSE RECEIVES THE ENTIRE BENEFIT  
17 PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION.

18 (7) IF A SURVIVOR BENEFIT IS PAYABLE FOR THE BENEFIT OF MORE  
19 THAN ONE DEPENDENT CHILD OF THE MEMBER PURSUANT TO SUBSECTION  
20 (1) OR (2) OF THIS SECTION AND THE DEPENDENT CHILDREN RESIDE IN  
21 SEPARATE HOUSEHOLDS FROM EACH OTHER, THE CHILDREN'S BENEFIT IS  
22 DIVIDED EQUALLY AMONG THE CHILDREN.

23 (8) IF A MEMBER DIES WHILE IN ACTIVE SERVICE AS THE DIRECT  
24 AND PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED WHILE  
25 PERFORMING OFFICIAL DUTIES OR AS A RESULT OF AN OCCUPATIONAL  
26 DISEASE ARISING OUT OF AND IN THE COURSE OF THE MEMBER'S  
27 EMPLOYMENT AND OTHERWISE QUALIFIES FOR BENEFITS UNDER

1 SUBSECTION (2) OF THIS SECTION, BUT FALLS WITHIN ONE OR MORE OF THE  
2 EXCEPTIONS SPECIFIED IN SECTION 101 (h)(2) OF THE FEDERAL "INTERNAL  
3 REVENUE CODE OF 1986", AND LEAVES A SURVIVING SPOUSE OR  
4 DEPENDENT CHILDREN, OR BOTH, SAID SURVIVORS SHALL:

5 (a) RECEIVE BENEFITS AS ALLOWED UNDER SECTION 31-31-815; OR

6 (b) RECEIVE BENEFITS AS ALLOWED UNDER THE MEMBER'S  
7 NORMAL RETIREMENT PLAN.

8 **31-31-817. [Similar to former 31-31-808] Reduction of**  
9 **survivor benefits.**

10 (1) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND  
11 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY  
12 MEMBER, WHO AT THE TIME OF THE MEMBER'S DEATH WAS A MEMBER OF  
13 A MONEY PURCHASE PLAN ESTABLISHED UNDER THIS ARTICLE OR ARTICLE  
14 30.5 OF THIS TITLE 31, INCLUDING ANY DEPARTMENT CHIEF, WHO AT THE  
15 TIME OF THE CHIEF'S DEATH HAD BEEN EXEMPTED FROM THE STATEWIDE  
16 RETIREMENT PLAN AS PERMITTED BY SECTION 31-31.5-203, ARE REDUCED  
17 BY AN AMOUNT THAT IS THE ACTUARIAL EQUIVALENT OF THE BENEFITS  
18 SUCH SURVIVING SPOUSE AND DEPENDENT CHILDREN RECEIVE FROM THE  
19 MONEY PURCHASE PLAN, WHETHER THE BENEFITS RECEIVED FROM THE  
20 MONEY PURCHASE PLAN ARE PAID ON A PERIODIC BASIS OR IN A LUMP SUM.  
21 NO SUCH REDUCTION SHALL EXCEED THE ACTUARIAL EQUIVALENT OF  
22 MONEY PURCHASE PLAN BENEFITS IF SUCH BENEFITS HAD BEEN FUNDED AT  
23 THE SAME RATE OF CONTRIBUTIONS SPECIFIED IN SECTION 31-31.5-301.

24 (2) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND  
25 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY  
26 MEMBER WHO ARE ALSO RECEIVING PAYMENTS FROM THE MEMBER'S  
27 SEPARATE RETIREMENT ACCOUNT PURSUANT TO SECTIONS 31-31-412

1 (1)(c) AND 31-31.5-304 (2) ARE REDUCED BY AN AMOUNT THAT IS THE  
2 ACTUARIAL EQUIVALENT OF THE BENEFITS SUCH SURVIVING SPOUSE AND  
3 DEPENDENT CHILDREN RECEIVE FROM THE SEPARATE RETIREMENT  
4 ACCOUNT, WHETHER THE BENEFITS RECEIVED FROM THE ACCOUNT ARE  
5 PAID ON A PERIODIC BASIS OR IN A LUMP SUM.

6 (3) THE BENEFITS PAYABLE UNDER SECTIONS 31-31-815 AND  
7 31-31-816 TO THE SURVIVING SPOUSE AND DEPENDENT CHILDREN OF ANY  
8 MEMBER WHO ARE ALSO RECEIVING PAYMENTS FROM A STATEWIDE OR  
9 LOCAL COLORADO FIRE OR POLICE DEFINED BENEFIT PENSION PLAN ARE  
10 REDUCED BY THE AMOUNT OF THE DEFINED BENEFIT PAYMENTS TO BE  
11 RECEIVED.

12 **31-31-818. [Similar to former 31-31-809] Termination of**  
13 **benefits.**

14 EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-31-815 (2), ANY  
15 BENEFIT PROVIDED IN ACCORDANCE WITH THIS PART 8 TO A SURVIVING  
16 SPOUSE SHALL TERMINATES UPON THE DEATH OF THE SURVIVING SPOUSE.  
17 EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-31-815 (2), ANY BENEFIT  
18 PROVIDED IN ACCORDANCE WITH THIS PART 8 TO A DEPENDENT CHILD  
19 TERMINATES UPON THE DEATH OF THE DEPENDENT CHILD OR THE  
20 TERMINATION OF DEPENDENCY OF THE DEPENDENT CHILD.

21 **31-31-819. [Similar to former 31-31-811] Funding of death and**  
22 **disability benefits.**

23 (1) FOR MEMBERS WHO DIE OR ARE DISABLED ON OR AFTER  
24 JANUARY 1, 1980, THE DEATH AND DISABILITY BENEFITS PROVIDED TO  
25 ANY MEMBER PURSUANT TO THIS PART 8 IS PAID FOR BY STATE MONEY  
26 TRANSFERRED TO THE FIRE AND POLICE MEMBERS' BENEFIT INVESTMENT  
27 FUND CREATED BY SECTION 31-31-301 (1)(a), SUBJECT TO THE

1     LIMITATIONS IMPOSED BY THIS SECTION. MONEY IN THE DISABILITY AND  
2     DEATH BENEFITS TRUST FUND CREATED BY SECTION 31-31-821 SHALL NOT  
3     BE USED FOR ANY PURPOSE OTHER THAN THE PAYMENT OF THE DEATH AND  
4     DISABILITY BENEFITS ESTABLISHED BY THIS PART 8.

5           (2) THE BOARD SHALL SUBMIT AN ANNUAL ACTUARIAL VALUATION  
6     REPORT DATED JANUARY 1 OF THE YEAR IN WHICH THE REPORT IS  
7     SUBMITTED, REGARDING THE BENEFIT LIABILITIES ACCRUED UNDER THIS  
8     PART 8 TO THE STATE AUDITOR, THE LEGISLATIVE AUDIT COMMITTEE, AND  
9     THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, TOGETHER  
10    WITH ANY RECOMMENDATIONS CONCERNING SUCH LIABILITIES AS  
11    ACCRUED.

12          (3) (a) TO ENSURE THAT THERE IS SUFFICIENT MONEY TO PAY  
13     DEATH AND DISABILITY BENEFITS FOR MEMBERS HIRED BEFORE JANUARY  
14     1, 1997, THE STATE TREASURER SHALL ISSUE WARRANTS TO THE FIRE AND  
15     POLICE PENSION ASSOCIATION ON JULY 1, 2022, AND JULY 1, 2023, IN AN  
16     AMOUNT EQUAL TO SIX MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS  
17     FOR EACH WARRANT AND ON JULY 1, 2025, AND EVERY JULY 1  
18     THEREAFTER THROUGH JULY 1, 2059, IN AN AMOUNT EQUAL TO TWO  
19     MILLION FIFTY THOUSAND DOLLARS FOR EACH WARRANT. THE WARRANT  
20     ISSUED ON JULY 1, 2022, IS TO BE PAID FROM THE GENERAL FUND, AND THE  
21     REMAINING WARRANTS ARE TO BE PAID FROM THE DEATH AND DISABILITY  
22     PAYMENT CASH FUND CREATED IN SUBSECTION (3)(b) OF THIS SECTION.  
23     THE BOARD SHALL DEPOSIT THIS MONEY IN THE STATEWIDE DEATH AND  
24     DISABILITY TRUST FUND CREATED IN SECTION 31-31-821.

25          (b) (I) THE DEATH AND DISABILITY PAYMENT CASH FUND IS  
26     CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY  
27     TRANSFERRED TO THE FUND IN ACCORDANCE WITH SUBSECTIONS (3)(b)(II)

1 AND (3)(b)(III) OF THIS SECTION. IN ACCORDANCE WITH SECTION  
2 24-36-114 (1), THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
4 FUND TO THE GENERAL FUND. THE STATE TREASURER SHALL USE THE  
5 MONEY IN THE FUND FOR THE WARRANTS ISSUED ON JULY 1, 2023, JULY 1,  
6 2025, AND EVERY JULY 1 THEREAFTER THROUGH JULY 1, 2059, IN  
7 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

8 (II) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER SIX  
9 MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL  
10 FUND TO THE DEATH AND DISABILITY PAYMENT CASH FUND CREATED IN  
11 SUBSECTION (3) OF THIS SECTION.

12 (III) ON JULY 1, 2025, AND EVERY JULY 1 THEREAFTER THROUGH  
13 JULY 1, 2059, THE STATE TREASURER SHALL TRANSFER TWO MILLION FIFTY  
14 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEATH AND  
15 DISABILITY PAYMENT CASH FUND CREATED IN SECTION (3)(b)(I) OF THIS  
16 SECTION.

17 (4) FOR EACH MEMBER HIRED ON OR AFTER JANUARY 1, 1997, WHO  
18 IS ELIGIBLE FOR THE DEATH AND DISABILITY COVERAGE PROVIDED BY THIS  
19 PART 8, A CONTRIBUTION SHALL BE MADE TO THE DEATH AND DISABILITY  
20 ACCOUNT IN THE FUND FOR THE YEAR 2021 IN AN AMOUNT NOT GREATER  
21 THAN THREE PERCENT OF THE MEMBER'S SALARY. THEREAFTER, THE  
22 BOARD, BASED ON AN ANNUAL ACTUARIAL VALUATION, MAY ADJUST THE  
23 CONTRIBUTION RATE EVERY YEAR, BUT IN NO EVENT MAY THE  
24 ADJUSTMENT FOR ANY ONE-YEAR PERIOD EXCEED TWO-TENTHS OF ONE  
25 PERCENT OF THE MEMBER'S SALARY. ANY EMPLOYER AND ANY LOCAL  
26 PENSION BOARD OR AUTHORITY SHALL PROVIDE SUCH INFORMATION AS  
27 MAY BE REQUIRED BY THE BOARD IN ORDER TO COMPLETE THE ANNUAL

1 ACTUARIAL VALUATIONS. THE ACTUARY APPOINTED BY THE BOARD MAY  
2 USE EITHER THE ENTRY AGE-NORMAL COST METHOD OR THE AGGREGATE  
3 COST METHOD FOR PURPOSES OF THE STUDY REQUIRED BY THIS  
4 SUBSECTION (4). ANY UNFUNDED ACCRUED LIABILITY SHALL BE FUNDED  
5 OVER A PERIOD NOT TO EXCEED THIRTY YEARS. THE ACTUARIAL STUDY  
6 SHALL NOT INCLUDE ANY CONSIDERATION OF A COST OF LIVING  
7 ADJUSTMENT TO BENEFITS AWARDED TO MEMBERS WHO ARE  
8 OCCUPATIONALLY DISABLED. PAYMENTS SHALL BE MADE BY THE  
9 EMPLOYER AND ARE DUE NO LATER THAN TEN DAYS FOLLOWING THE DATE  
10 OF PAYMENT OF SALARY TO THE MEMBER. THE PAYMENTS REQUIRED BY  
11 THIS SECTION ARE SUBJECT TO INTEREST IF NOT SUBMITTED WHEN DUE.  
12 ANY DECISION REGARDING WHETHER THE CONTRIBUTION REQUIRED BY  
13 THIS SUBSECTION (4) ARE ASSESSED AGAINST THE EMPLOYER OR THE  
14 MEMBER, OR SHALL IN SOME MANNER BE ASSESSED JOINTLY AGAINST THE  
15 EMPLOYER AND THE MEMBER, WILL BE MADE AT THE LOCAL LEVEL USING  
16 THE USUAL PROCESS FOR DETERMINING EMPLOYEE BENEFITS. IF IT IS NOT  
17 ALREADY PART OF THE USUAL PROCESS FOR DETERMINING EMPLOYEE  
18 BENEFITS, THE EMPLOYER SHALL CONFER WITH THE EMPLOYEES OR THEIR  
19 REPRESENTATIVE PRIOR TO MAKING A DETERMINATION ON HOW THE  
20 CONTRIBUTION WILL BE ASSESSED.

21 **31-31-820. [Similar to former 31-31-812] Military leave of**  
22 **absence.**

23 (1) AUTHORIZED LEAVE OF ABSENCE INCLUDES LEAVE FOR  
24 MILITARY SERVICE AS ALLOWED BY THE BOARD. THE BOARD SHALL ADOPT  
25 RULES REGARDING AUTHORIZED LEAVE OF ABSENCE FOR MILITARY  
26 SERVICE, INCLUDING, BUT NOT LIMITED TO:

27 (a) LIMITS ON THE LENGTH OF THE TERM OF THE LEAVE OF

1 ABSENCE;

2 (b) ASSESSMENT OF COSTS FOR COVERAGE DURING THE LEAVE OF  
3 ABSENCE; AND

4 (c) ANY OTHER MATTER THAT THE BOARD DEEMS NECESSARY FOR  
5 COVERAGE UNDER THE STATEWIDE DEATH AND DISABILITY PLAN.

6 (2) THE BENEFITS PAYABLE TO THE MEMBER, THE SURVIVING  
7 SPOUSE OF THE MEMBER, AND THE DEPENDENT CHILDREN OF THE MEMBER  
8 PURSUANT TO THIS PART 8 ARE REDUCED BY AN AMOUNT THAT IS THE  
9 ACTUARIAL EQUIVALENT OF ANY MILITARY BENEFIT RECEIVED AS A  
10 RESULT OF THE DEATH OR DISABILITY OF A MEMBER WHILE ON  
11 AUTHORIZED LEAVE FOR MILITARY SERVICE WHETHER THE BENEFITS ARE  
12 PAID ON A PERIODIC BASIS OR IN A LUMP SUM.

13 **31-31-821. [Similar to former 31-31-813] Statewide death and**  
14 **disability trust fund - created.**

15 (1) THERE IS CREATED A DISABILITY AND DEATH BENEFITS TRUST  
16 FUND WITHIN THE ASSOCIATION INTO WHICH CONTRIBUTIONS FOR DEATH  
17 AND DISABILITY BENEFITS, INCLUDING STATE CONTRIBUTIONS MADE  
18 PURSUANT TO SECTION 31-31-819 ARE DEPOSITED. THE BENEFITS  
19 PROVIDED BY THIS PART 8, TOGETHER WITH THE EXPENSES OF  
20 ADMINISTERING SAID PART, ARE PAID FROM THE FUND.

21 (2) THE ASSETS OF THE DISABILITY AND DEATH BENEFITS TRUST  
22 FUND SHALL BE INVESTED IN THE FIRE AND POLICE MEMBERS' BENEFIT  
23 INVESTMENT FUND.

24 **31-31-822. [Similar to former 31-31-814] Suspension and**  
25 **termination of benefits for noncompliance.**

26 IF A MEMBER REFUSES TO SUBMIT TO A MEDICAL EXAMINATION  
27 REQUIRED BY THE ASSOCIATION AND AUTHORIZED BY THIS PART 8, FAILS

1 TO PROVIDE INFORMATION NECESSARY FOR THE ASSOCIATION TO ASSESS  
2 ELIGIBILITY OR CONTINUING ELIGIBILITY FOR BENEFITS, OR OBSTRUCTS  
3 THE ASSOCIATION FROM RECEIVING SUCH NECESSARY INFORMATION, ALL  
4 RIGHTS TO COLLECT OR TO BEGIN OR MAINTAIN ANY PROCEEDING FOR THE  
5 COLLECTION OF BENEFITS PURSUANT TO THIS PART 8 ARE SUSPENDED, AND  
6 ALL RIGHTS TO BENEFITS THAT ACCRUE AND BECOME PAYABLE DURING  
7 THE PERIOD OF SUCH REFUSAL OR OBSTRUCTION ARE BARRED. IF THE  
8 MEMBER CONTINUES TO REFUSE TO SUBMIT TO THE EXAMINATION OR TO  
9 PROVIDE THE ADDITIONAL INFORMATION AFTER DIRECTION BY THE  
10 ASSOCIATION OR ITS HEARING OFFICER OR IN ANY WAY OBSTRUCTS THE  
11 SAME, THE BOARD SHALL TERMINATE THE BENEFIT.

12 **31-31-823. [Similar to former 31-31-815] Amendment of plan**  
13 **provisions.**

14 THE BOARD MAY AMEND THE PROVISIONS FOR DISABILITY AND  
15 SURVIVOR BENEFITS UNDER THIS PART 8 AS IT DEEMS PRUDENT AND  
16 NECESSARY TO COMPLY WITH STATE AND FEDERAL LAW OR AS IT DEEMS  
17 NECESSARY TO EFFICIENTLY ADMINISTER THE BENEFITS UNDER THE PLAN.

18 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-31-101 as  
19 follows:

20 **31-31-101. Legislative declaration.**

21 The general assembly hereby declares that the establishment of  
22 police officers' and firefighters' pension plans in this state is a matter of  
23 statewide concern that affects the public safety and general welfare, that  
24 the ability of pension funds to pay earned benefits to present and future  
25 members is a necessary corollary to the establishment of pension plans,  
26 and that statewide pension plans establishing pension benefits that can be  
27 fully funded with local moneys will permit the continuation of pension



1 plans for police officers and firefighters in this state. In addition, the  
2 general assembly declares that any pension plan must be actuarially sound  
3 ~~in order~~ to assure the security of the pension system and that this article  
4 is enacted to provide for the stability and security of police officers' and  
5 firefighters' pension plans in this state. The general assembly further  
6 declares that state ~~moneys~~ MONEY provided to municipalities, fire  
7 protection districts, and county improvement districts do not constitute a  
8 continuing obligation of the state to participate in the ongoing normal  
9 costs of pension plan benefits, except for state funding of death and  
10 disability RETIREMENT benefits as specified in this article, but are  
11 provided in recognition that the local governments are currently burdened  
12 with financial obligations relating to pensions in excess of their present  
13 financial capacities. It is the intent of the general assembly in providing  
14 state ~~moneys~~ MONEY to assist the local governments that state  
15 participation decrease annually, terminating at the earliest possible date.

16 **SECTION 3.** In Colorado Revised Statutes, 31-31-102, **amend**  
17 (2) as follows:

18 **31-31-102. Definitions.**

19 As used in this article 31, unless the context otherwise requires:

20 (2) "Board" means the board of directors established as the  
21 governing body of the fire and police pension association as provided in  
22 section 31-31-201 (2). "BOARD" INCLUDES REPRESENTATIVES OF THE  
23 ASSOCIATION AS DELEGATED BY THE BOARD.

24 **SECTION 4.** In Colorado Revised Statutes, 31-31-202, **amend**  
25 (1)(c) and (1)(j); **repeal** (2); **add** (1)(l); and **add with amended and**  
26 **relocated provisions** (1)(m) as follows:

27 **31-31-202. Powers and duties of the board.**

- 1           (1) The board shall:
- 2           (c) Establish criteria for the determination of disability to  
3 administer the provisions of ~~section 31-31-803~~ PART 8 OF THIS ARTICLE  
4 31;
- 5           (j) ~~Promulgate~~ ADOPT such rules as may be necessary to  
6 implement the provisions of this ~~article~~ ARTICLE 31, ~~and~~ article 30.5, AND  
7 ARTICLE 31.5 of this ~~title~~ TITLE 31;
- 8           (l) DELEGATE ANY AUTHORITY TO THE EXECUTIVE DIRECTOR,  
9 OFFICERS, COMMITTEES, OR OTHER CONTRACTORS AS IT DEEMS  
10 APPROPRIATE FOR THE ADMINISTRATION OF THE PLANS;
- 11           (m) **[Formerly 31-31-202 (2)]** ~~The board has the sole power to~~  
12 Determine eligibility for retirement for disability, whether total or  
13 occupational, for any police officer or firefighter in this state whether or  
14 not such member is covered by the provisions of this article, IN  
15 ACCORDANCE WITH THE RULES ADOPTED BY THE BOARD PURSUANT TO  
16 SUBSECTION (1)(j) OF THIS SECTION, except for the following:
- 17           (I) Those police officers and firefighters having social security  
18 coverage and not affiliated as to disability; and
- 19           (II) Those police officers and firefighters whose employers have  
20 established exempt alternative pension plans, including exempt  
21 alternative defined benefit plans that are administered on an actuarially  
22 sound basis, based upon assumptions and methodology adopted by the  
23 board for statewide use, on or before December 1, 1978, in accordance  
24 with the provisions of part 8 of article 30.5 of this title, unless such plans  
25 have elected to become covered under the statewide death and disability  
26 plan pursuant to ~~section 31-31-802 (1)~~ PART 8 OF THIS ARTICLE 31.
- 27           ~~(H) Except as provided in this subsection (2), the final power to~~

1 determine disability status is vested in the board, but each employer shall  
2 determine whether positions are available for disabled members and shall  
3 make such appointments to such positions as it deems necessary.

4 (2) (a) ~~The board has the sole power to determine eligibility for~~  
5 ~~retirement for disability, whether total or occupational, for any police~~  
6 ~~officer or firefighter in this state whether or not such member is covered~~  
7 ~~by the provisions of this article, except for the following:~~

8 (I) ~~Those police officers and firefighters having social security~~  
9 ~~coverage and not affiliated as to disability; and~~

10 (II) ~~Those police officers and firefighters whose employers have~~  
11 ~~established exempt alternative pension plans, including exempt~~  
12 ~~alternative defined benefit plans that are administered on an actuarially~~  
13 ~~sound basis, based upon assumptions and methodology adopted by the~~  
14 ~~board for statewide use, on or before December 1, 1978, in accordance~~  
15 ~~with the provisions of part 8 of article 30.5 of this title, unless such plans~~  
16 ~~have elected to become covered under the statewide death and disability~~  
17 ~~plan pursuant to section 31-31-802 (1).~~

18 (b) ~~Except as provided in this subsection (2), the final power to~~  
19 ~~determine disability status is vested in the board, but each employer shall~~  
20 ~~determine whether positions are available for disabled members and shall~~  
21 ~~make such appointments to such positions as it deems necessary.~~

22 **SECTION 5.** In Colorado Revised Statutes, 31-31-501, **amend**  
23 (6)(b)(IV) as follows:

24 **31-31-501. Withdrawal into statewide money purchase plan.**

25 (6) (b) (IV) If members who have made such an election die or  
26 become disabled prior to termination of employment, neither they nor  
27 their survivors shall be eligible for benefits under the statewide retirement

1 plan, but rather they shall be limited to those benefits provided in ~~sections~~  
2 ~~31-31-803, 31-31-807, and 31-31-807.5~~ PART 8 OF THIS ARTICLE 31.

3 **SECTION 6.** In Colorado Revised Statutes, 31-31.5-203, **amend**  
4 (3) as follows:

5 **31-31.5-203. Department chief - exemption by written**  
6 **agreement - definition.**

7 (3) A department chief exempted FROM THE STATEWIDE  
8 RETIREMENT PLAN pursuant to subsection (1) of this section may maintain  
9 coverage for disability and survivor benefits under part 8 of article 31 of  
10 this title 31 if the department chief participates in the statewide money  
11 purchase plan. ~~the statewide retirement plan, or a local money purchase~~  
12 ~~plan that is qualified under section 401 (a) of the federal "Internal~~  
13 ~~Revenue Code of 1986" and that has a contribution rate of not less than~~  
14 ~~eighteen percent~~

15 **SECTION 7.** In Colorado Revised Statutes, 31-31.5-401, **amend**  
16 (2)(b) and (4) as follows:

17 **31-31.5-401. Vesting and benefit eligibility.**

18 (2) A member is eligible for a normal retirement when:

19 (b) The member has attained age fifty, the member's combined  
20 age and years of accrued service is equal to at least eighty, and the  
21 member is not receiving benefits pursuant to ~~section 31-31-803~~ PART 8 OF  
22 ARTICLE 31 OF THIS TITLE 31.

23 (4) An active or inactive vested member who is not eligible for  
24 normal retirement, who has attained age fifty, who is not receiving or has  
25 terminated benefits pursuant to ~~section 31-31-803~~ PART 8 OF ARTICLE 31  
26 OF THIS TITLE 31, and who has terminated employment is eligible for an  
27 early retirement pension. The early retirement pension for a member is the

1 benefit that the member would have received at age fifty-five reduced on  
2 an actuarial equivalent basis to reflect the early receipt of the benefit as  
3 determined by the board.

4 **SECTION 8.** In Colorado Revised Statutes, 33-4-104.5, **amend**  
5 (2) as follows:

6 **33-4-104.5. Free licenses issued - first responders with a**  
7 **permanent occupational disability - definition.**

8 (2) For purposes of this section, "first responder with a permanent  
9 occupational disability" means an individual who is a resident, as defined  
10 in section 33-1-102 (38), and:

11 (a) Is a retired member of the fire and police pension association,  
12 as defined in section 31-31-102 (6), who has established to the division  
13 that he or she has been found to have, as the result of an injury received  
14 while performing official duties or an occupational disease arising out of  
15 and in the course of performing official duties, a permanent occupational  
16 disability, as defined in ~~section 31-31-801 (3.2)~~ SECTION 31-31-802, by  
17 the fire and police pension association; or

18 (b) Served as a peace officer, as defined in section 16-2.5-101, or  
19 as a firefighter, as defined in section 29-5-203 (10), and has established  
20 to the division that he or she has, as the result of an injury received while  
21 performing official duties or an occupational disease arising out of and in  
22 the course of performing official duties, a permanent occupational  
23 disability as defined in ~~section 31-31-801 (3.2)~~ SECTION 31-31-802.

24 **SECTION 9. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2026 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.