

CHAPTER 254

GOVERNMENT - MUNICIPAL

HOUSE BILL 95-1010

BY REPRESENTATIVES Entz, Chlouber, June, Reeves, George, Grampsas, Nichol, Schwarz, Sullivan, and Taylor; also SENATORS Tebedo, Bishop, Casey, Dennis, Feeley, Gallagher, Johnson, Martinez, Matsunaka, Meiklejohn, Norton, Perlmutter, Rupert, and Schroeder.

AN ACT

CONCERNING VOLUNTEER FIREFIGHTER PENSIONS.

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

SECTION 1. Legislative intent. (1) This act is primarily intended to separate the provisions of law relating to volunteer firefighter pensions presently located in article 30 of title 31, Colorado Revised Statutes, from similar provisions relating to other firefighter pensions and to locate them in a new part 11 created in article 30 of title 31, Colorado Revised Statutes, that relates only to volunteer firefighter pensions. Part 11 of article 30 of title 31, Colorado Revised Statutes, is not intended to apply to paid firefighters. This separation is intended to facilitate the understanding and usage of the law governing volunteer firefighter pensions. This act also is intended to clarify existing law relating to volunteer firefighter pensions, to use plain language in the volunteer firefighter pension laws in compliance with section 2-2-801, Colorado Revised Statutes, and to change some of the volunteer firefighter pension benefits.

(2) This act is not intended to terminate volunteer firemen's pension boards of trustees or volunteer firemen's pension funds existing before the effective date of this act nor to require any transfer of moneys in these funds to new funds. The intent is to continue these boards and funds under part 11, article 30 of title 31, Colorado Revised Statutes, created in this act.

SECTION 2. Article 30 of title 31, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

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

PART 11
VOLUNTEER FIREFIGHTER PENSION ACT

31-30-1101. Short title. THIS PART 11 SHALL BE KNOWN AND MAY BE CITED AS THE "VOLUNTEER FIREFIGHTER PENSION ACT".

31-30-1102. Definitions. AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE BOARD OF TRUSTEES OF THE VOLUNTEER FIREFIGHTER PENSION FUND THAT IS CREATED IN A MUNICIPALITY OR DISTRICT UNDER THIS PART 11.

(2) "DISTRICT" MEANS A FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT DISTRICT IN THIS STATE HAVING FIRE DEPARTMENT MEMBERS AND OFFERING FIRE PROTECTION SERVICES.

(3) "FIRE AND POLICE PENSION ASSOCIATION" MEANS THE ASSOCIATION CREATED BY SECTION 31-30-1004.

(4) "FIRE DEPARTMENT MEMBER" MEANS A VOLUNTEER FIREFIGHTER WHO IS IN A FIRE DEPARTMENT THAT SERVES A MUNICIPALITY OR DISTRICT AND WHO ACCRUES BENEFITS IN THE VOLUNTEER FIREFIGHTER PENSION FUND.

(5) "FUND" MEANS THE VOLUNTEER FIREFIGHTER PENSION FUND PROVIDED IN THIS PART 11.

(6) "MUNICIPALITY" MEANS A MUNICIPALITY IN THIS STATE THAT MAINTAINS A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT AND THAT OFFERS FIRE PROTECTION SERVICES.

(7) "PLAN" MEANS A PROGRAM OF BENEFITS PROVIDED UNDER THIS PART 11.

(8) "RETIRED FIRE DEPARTMENT MEMBER" MEANS A VOLUNTEER FIREFIGHTER WHO IS NOT ON ACTIVE DUTY AND WHO RECEIVES PENSION BENEFITS FROM THE VOLUNTEER FIREFIGHTER PENSION FUND.

(9) (a) "VOLUNTEER FIREFIGHTER" MEANS A FIREFIGHTER WHO RENDERS SERVICE TO A FIRE DEPARTMENT IN A MUNICIPALITY OR DISTRICT AND WHO DOES NOT RECEIVE COMPENSATION UNDER A CONTRACT OF EMPLOYMENT AS A FIREFIGHTER. "VOLUNTEER FIREFIGHTER" MAY INCLUDE OTHER DESIGNATIONS OR TITLES GIVEN TO FIREFIGHTERS PROVIDED THAT THE FIREFIGHTER MEETS ALL OF THE REQUIREMENTS FOR BEING A VOLUNTEER FIREFIGHTER IN THIS PART 11.

(b) FOR THE PURPOSES OF THIS SUBSECTION (9), "COMPENSATION" DOES NOT INCLUDE:

(I) ACTUAL EXPENSES INCURRED BY AND REIMBURSED TO A VOLUNTEER FIREFIGHTER; OR

(II) SALARY LOST AS A CONSEQUENCE OF ACTUAL FIREFIGHTING DUTIES CAUSING THE ABSENCE OF THE VOLUNTEER FIREFIGHTER FROM NORMAL EMPLOYMENT.

31-30-1103. Board of trustees - fund. (1) IN ANY MUNICIPALITY OR DISTRICT THAT MAINTAINS A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT, THERE IS CREATED A BOARD OF TRUSTEES OF THE VOLUNTEER FIREFIGHTER PENSION FUND. THE BOARD:

(a) SHALL MANAGE, USE, AND DISBURSE MONEYS IN THE FUND ACCORDING TO ITS RULES AND BYLAWS AND THIS PART 11;

(b) SHALL SUPERVISE AND CONTROL THE FUND;

(c) MAY TAKE ALL NECESSARY STEPS AND PURSUE ALL NECESSARY REMEDIES TO PRESERVE THE FUND.

31-30-1104. Board - municipality. (1) IN A MUNICIPALITY, THE BOARD MUST CONSIST OF THE FOLLOWING MEMBERS:

(a) THE MAYOR FOR A TERM EQUAL TO THE MAYOR'S TENURE AS MAYOR;

(b) THE MUNICIPAL TREASURER OR FINANCE OFFICER FOR A TERM EQUAL TO THE TREASURER'S OR FINANCE OFFICER'S TENURE WITH THE MUNICIPALITY;

(c) TWO OTHER PERSONS APPOINTED BY AND FOR TERMS DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY; AND

(d) THREE FIRE DEPARTMENT MEMBERS OF THE ENTIRE MEMBERSHIP OF ALL CLASSES OF FIRE DEPARTMENTS SERVING THE MUNICIPALITY WHO ARE ELECTED BY THE FIRE DEPARTMENT MEMBERS OF THOSE FIRE DEPARTMENTS FOR THREE-YEAR TERMS; EXCEPT THAT, AT THE INITIAL ELECTION, ONE MEMBER SHALL BE ELECTED FOR THREE YEARS, ONE MEMBER FOR TWO YEARS, AND ONE MEMBER FOR ONE YEAR. IN ALL SUBSEQUENT ELECTIONS, THESE MEMBERS SHALL BE ELECTED FOR THREE YEARS.

(2) THE BOARD SHALL ELECT A PRESIDENT AND SECRETARY FROM ITS MEMBERS. THE MUNICIPAL TREASURER OR FINANCE OFFICER SHALL SERVE AS THE EX OFFICIO TREASURER OF THE BOARD.

(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE GOVERNING BODY OF THE MUNICIPALITY MAY CONTINUE WITH THE BOARD COMPOSITION THAT WAS IN EFFECT ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS ACT.

31-30-1105. Board - fire protection district. (1) IN A FIRE PROTECTION DISTRICT, THE BOARD MUST CONSIST OF THE FOLLOWING MEMBERS:

(a) THE BOARD OF DIRECTORS OF THE FIRE PROTECTION DISTRICT FOR TERMS EQUAL TO THEIR TENURE ON THE FIRE PROTECTION DISTRICT BOARD;

(b) THE TREASURER OF THE BOARD OF THE FIRE PROTECTION DISTRICT WHO SHALL BE TREASURER OF THE FUND FOR A TERM EQUAL TO THE TREASURER'S TENURE ON THE FIRE PROTECTION DISTRICT BOARD; AND

(c) TWO FIRE DEPARTMENT MEMBERS ELECTED BY THE FIRE DEPARTMENT

MEMBERS FOR TWO-YEAR TERMS; EXCEPT THAT, AT THE INITIAL ELECTION, ONE MEMBER SHALL BE ELECTED FOR TWO YEARS AND ONE MEMBER FOR ONE YEAR. IN ALL SUBSEQUENT ELECTIONS, THESE MEMBERS SHALL BE ELECTED FOR TWO YEARS.

(2) THE BOARD SHALL ELECT A PRESIDENT AND SECRETARY FROM ITS MEMBERS.

(3) THE TREASURER OF THE BOARD SHALL OBTAIN A BOND PAID FROM THE FUND IN AN AMOUNT DETERMINED BY THE BOARD.

31-30-1106. Board - county improvement district. (1) IN A COUNTY IMPROVEMENT DISTRICT, THE BOARD MUST CONSIST OF THE FOLLOWING MEMBERS:

(a) ONE COUNTY COMMISSIONER OF THE COUNTY IN WHICH THE DISTRICT IS LOCATED FOR A TERM EQUAL TO THE COMMISSIONER'S TENURE AS COUNTY COMMISSIONER;

(b) THE COUNTY TREASURER FOR A TERM EQUAL TO THE TREASURER'S TENURE WITH THE COUNTY;

(c) THREE RESIDENTS OF THE COUNTY OBLIGATED TO PAY REAL OR PERSONAL PROPERTY TAXES WHO ARE APPOINTED BY THE COUNTY COMMISSIONERS FOR STAGGERED TERMS DETERMINED BY THE COUNTY COMMISSIONERS; AND

(d) TWO FIRE DEPARTMENT MEMBERS FOR TWO-YEAR TERMS.

(2) THE TREASURER OF THE FUND SHALL OBTAIN A BOND PAID FROM THE FUND IN AN AMOUNT DETERMINED BY THE BOARD.

31-30-1107. Board - consolidation or merger. (1) IF A MUNICIPALITY OR DISTRICT MERGES OR CONSOLIDATES WITH ONE OR MORE MUNICIPALITIES OR DISTRICTS, THE FORMER TRUSTEES OF THE VARIOUS VOLUNTEER FIREFIGHTER PENSION FUNDS OF THE CONSOLIDATED OR MERGED MUNICIPALITIES OR DISTRICTS SHALL:

(a) ELECT SEVEN PERSONS FROM THEIR MEMBERS, NOT MORE THAN THREE OF WHOM ARE FIRE DEPARTMENT MEMBERS, TO SERVE AS TRUSTEES OF THE VOLUNTEER FIREFIGHTER PENSION FUND OF THE CONSOLIDATED OR MERGED FUND WITH DUE REGARD TO EQUAL REPRESENTATION;

(b) CEASE TO HOLD OFFICE IF THEY ARE NOT ELECTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) THE TRUSTEES OF THE CONSOLIDATED OR MERGED FUND SHALL ELECT FROM ITS MEMBERS A PRESIDENT, SECRETARY, AND TREASURER. THE TREASURER OF THE CONSOLIDATED OR MERGED DISTRICT'S FUND SHALL OBTAIN A BOND PAID FROM THE FUND IN AN AMOUNT DETERMINED BY THE BOARD.

31-30-1108. Board powers and duties. (1) A BOARD CREATED BY THIS PART 11 TO CONTROL A FUND:

(a) SHALL ADOPT NECESSARY RULES THAT ARE NOT INCONSISTENT WITH THIS PART 11 FOR THE MANAGEMENT AND DISCHARGE OF ITS DUTIES, FOR ITS OWN GOVERNMENT

AND PROCEDURE, AND FOR THE PRESERVATION AND PROTECTION OF THE FUND;

(b) SHALL HEAR AND DECIDE EACH APPLICATION FOR BENEFITS UNDER THIS PART 11 IN ACCORDANCE WITH SECTION 24-4-105, C.R.S. ACTION ON AN APPLICATION IS FINAL AND CONCLUSIVE; EXCEPT THAT, IF IN THE OPINION OF A BOARD, JUSTICE DEMANDS RECONSIDERATION OF THE ACTION, THE BOARD MAY REVERSE THE ACTION;

(c) SHALL KEEP AND PRESERVE A RECORD OF THE ACTION AND ALL OTHER MATTERS PROPERLY BEFORE THE BOARD;

(d) MAY MAKE AGREEMENTS WITH THE FIRE AND POLICE PENSION ASSOCIATION TO ADMINISTER THE PLAN AND MANAGE THE FUNDS OF THE PLAN FOR INVESTMENT;

(e) MAY CONSOLIDATE ITS FUND WITH THE FUND OF ANOTHER MUNICIPALITY OR DISTRICT AND SHALL ADMINISTER THE CONSOLIDATED FUNDS AS A SINGLE FUND IF IN THE OPINION OF THE BOARD THE TOTAL MONEYS ALLOCATED TO A FUND BY A MUNICIPALITY OR DISTRICT ARE INADEQUATE TO SUSTAIN A PROPER FUND FOR RETIREMENT OR FOR THE OTHER PURPOSES OF THE FUND UNDER THIS PART 11. THE BOARDS OF THESE SINGLE FUNDS MAY CONSOLIDATE THE FUNDS UNDER CONDITIONS AND TERMS PROVIDED IN AN AGREEMENT CONSISTENT WITH THIS PART 11.

31-30-1109. Attorney representation. (1) THE ATTORNEY FOR A MUNICIPALITY OR DISTRICT SHALL:

(a) WHEN REQUIRED BY THE BOARD, ADVISE THE BOARD ON ALL MATTERS PERTAINING TO THE BOARD'S DUTIES AND MANAGEMENT OF THE FUND;

(b) REPRESENT AND DEFEND THE BOARD IN ANY SUIT OR ACTION AT LAW OR IN EQUITY BROUGHT AGAINST THE BOARD; AND

(c) BRING ALL SUITS AND ACTIONS ON THE BOARD'S BEHALF AS THE BOARD REQUIRES OR REQUESTS.

(2) IF A CONFLICT BETWEEN A BOARD AND A MUNICIPALITY OR DISTRICT EXISTS, THE BOARD MAY OBTAIN AN ATTORNEY TO REPRESENT THE BOARD IN ANY ACTION DESCRIBED IN THIS SECTION AT THE BOARD'S EXPENSE.

31-30-1110. Property tax. THE GOVERNING BODY OF A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE HUNDRED THOUSAND, THE BOARD OF DIRECTORS OF EACH FIRE PROTECTION DISTRICT, OR THE BOARD OF A COUNTY IMPROVEMENT DISTRICT MAY LEVY AND SET APART A TAX FOR EACH YEAR OF NOT MORE THAN ONE MILL ON THE TAXABLE PROPERTY IN THE MUNICIPALITY OR DISTRICT. THE GOVERNING BODY OR BOARD SHALL CREDIT THE PROCEEDS OF THIS TAX, IF ANY, TO THE MUNICIPALITY'S OR DISTRICT'S FUND. THE TOTAL TAX LEVIED UNDER THIS SECTION AND SECTION 31-30-405 (2), IF ANY, FOR A FIRE DEPARTMENT THAT HAS BOTH PAID AND VOLUNTEER FIREFIGHTERS MUST NOT EXCEED ONE MILL ON THE TAXABLE PROPERTY IN THE MUNICIPALITY OR DISTRICT. ANY NEW TAX OR AN INCREASE IN THE MILL LEVY UNDER THIS SECTION SHALL COMPLY WITH THE VOTER APPROVAL REQUIREMENTS UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

31-30-1111. Contribution to fund. (1) IN ADDITION TO ANY PROPERTY TAX REVENUES COLLECTED UNDER SECTION 31-30-1110, THE FUND ALSO CONSISTS OF ANY:

(a) MONEYS GIVEN TO THE BOARD OR FUND BY A PERSON FOR THE USE AND PURPOSE FOR WHICH THE FUND IS CREATED. THE BOARD MAY TAKE ANY MONEY, PERSONAL PROPERTY, OR REAL ESTATE, OR INTEREST THEREIN BY GIFT, GRANT, DEVISE, OR BEQUEST AS TRUSTEES FOR THE USE AND PURPOSE FOR WHICH THE FUND IS CREATED;

(b) MONEYS, FEES, REWARDS, OR EMOLUMENTS OF ANY NATURE AND DESCRIPTION THAT ARE PAID OR GIVEN TO THE FUND; AND

(c) MONEYS PROVIDED BY THE STATE UNDER SECTION 31-30-1112.

(2) FUND MONEYS ARE FOR THE USE AND BENEFIT OF THE FIRE DEPARTMENT MEMBERS AND RETIRED FIRE DEPARTMENT MEMBERS AND THEIR SURVIVING SPOUSES, DEPENDENT CHILDREN, DEPENDENT PARENTS, AND OTHER BENEFICIARIES IN ACCORDANCE WITH THIS PART 11.

31-30-1112. State contributions - intent. (1) THE STATE TREASURER MAY TRANSFER MONEYS ANNUALLY TO THE FIRE AND POLICE PENSION ASSOCIATION FOR DISTRIBUTION AS PROVIDED IN THIS SECTION TO ASSIST IN FUNDING VOLUNTEER FIREFIGHTER PENSION FUNDS.

(2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2), STATE CONTRIBUTIONS TO ANY MUNICIPALITY OR DISTRICT MUST EQUAL NINETY PERCENT OF ALL AMOUNTS LEVIED, APPROPRIATED, AND CONTRIBUTED BY THE MUNICIPALITY OR DISTRICT UNDER SECTION 31-30-1110, BUT THE STATE CONTRIBUTION SHALL NOT EXCEED ONE-HALF MILL ON THE CURRENT VALUATION FOR ASSESSMENT OF THE MUNICIPALITY OR DISTRICT ASSUMING ONE HUNDRED PERCENT COLLECTION.

(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), A MUNICIPALITY OR DISTRICT THAT WAS LEVYING AN AMOUNT EQUAL TO OR LESS THAN ONE-HALF MILL BEFORE JULY 1, 1993, AND THAT SUBSEQUENTLY INCREASES ITS MILL LEVY, APPROPRIATION, OR CONTRIBUTION TO PAY VOLUNTEER FIREFIGHTER PENSIONS IN EXCESS OF THREE HUNDRED DOLLARS PER MONTH SHALL RECEIVE STATE CONTRIBUTIONS UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) BASED UPON THE GREATER OF:

(I) THE MILL LEVY, APPROPRIATION, OR CONTRIBUTION THAT WOULD BE REQUIRED TO BE LEVIED TO PAY A PENSION OF THREE HUNDRED DOLLARS PER MONTH, AS DETERMINED BY THE MUNICIPALITY OR DISTRICT; OR

(II) THE MILL LEVY, APPROPRIATION, OR CONTRIBUTION BEFORE THE INCREASE.

(c) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), A MUNICIPALITY OR DISTRICT THAT WAS LEVYING AN AMOUNT EQUAL TO OR LESS THAN ONE-HALF MILL BEFORE JULY 1, 1995, AND THAT SUBSEQUENTLY INCREASES ITS MILL LEVY, APPROPRIATION, OR CONTRIBUTION TO PAY A SHORT-TERM DISABILITY MONTHLY

ANNUITY PURSUANT TO SECTION 31-30-1121 IN EXCESS OF ONE HUNDRED AND FIFTY DOLLARS PER MONTH, TO PAY A RETIREMENT PENSION PURSUANT TO SECTION 31-30-1123 IN EXCESS OF TWO HUNDRED DOLLARS PER MONTH, TO PAY SURVIVOR BENEFITS PURSUANT TO SECTION 31-30-1127 IN EXCESS OF ONE HUNDRED AND FIFTY DOLLARS PER MONTH, OR TO PAY FUNERAL BENEFITS PURSUANT TO SECTION 31-30-1129 IN EXCESS OF ONE HUNDRED DOLLARS SHALL RECEIVE STATE CONTRIBUTIONS UNDER PARAGRAPH (a) OF THIS SUBSECTION (2) BASED UPON THE GREATER OF:

(I) THE MILL LEVY, APPROPRIATION, OR CONTRIBUTION THAT WOULD BE REQUIRED TO BE LEVIED TO PAY THE BENEFITS AT THE AMOUNTS STATED IN THIS PARAGRAPH (c), AS DETERMINED BY THE MUNICIPALITY OR DISTRICT; OR

(II) THE MILL LEVY, APPROPRIATION, OR CONTRIBUTION BEFORE THE INCREASE.

(d) THE BOARD IN ANY MUNICIPALITY OR DISTRICT SHALL NOT INCREASE BENEFITS ABOVE THE AMOUNTS STATED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2) UNLESS THE INCREASE IS APPROVED BY THE GOVERNING BODY OF THE MUNICIPALITY OR DISTRICT AND AN ACTUARIAL REVIEW INDICATES A HIGHER PAYMENT IS ACTUARIALLY SOUND. WHEN THE BOARD IN ANY MUNICIPALITY OR DISTRICT INCREASES BENEFITS ABOVE THE AMOUNTS STATED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2), THE BOARD SHALL SUBMIT AN ACTUARIAL STUDY TO THE FIRE AND POLICE PENSION ASSOCIATION THAT CERTIFIES THAT PORTION OF THE MUNICIPALITY'S OR DISTRICT'S MILL LEVY, APPROPRIATION, OR CONTRIBUTION TO ITS FUND THAT, PURSUANT TO THE PROVISIONS OF THIS SECTION, IS TO BE USED AS THE BASIS FOR CALCULATING THE STATE'S MATCHING CONTRIBUTION. THE STUDY SHALL BE COMPLETED IN ACCORD WITH GENERALLY ACCEPTED ACTUARIAL PRINCIPLES AND SIGNED BY A QUALIFIED ACTUARY.

(e) IN NO EVENT SHALL A MUNICIPALITY OR DISTRICT RECEIVE LESS THAN FIVE HUNDRED DOLLARS IF THE MUNICIPALITY OR DISTRICT CONTRIBUTES TO ITS FUND A SUM EQUAL TO THE PROCEEDS OF A LEVY OF ONE-HALF MILL ON THE CURRENT VALUATION FOR ASSESSMENT OF THE MUNICIPALITY OR DISTRICT.

(f) IN CALCULATING THE CONTRIBUTION BY THE STATE PROVIDED IN THIS SECTION, THE CASH EQUIVALENT OF THE DEATH AND DISABILITY BENEFIT UNDER SECTIONS 31-30-1007 AND 31-30-1008 FOR EACH MUNICIPALITY OR DISTRICT HAVING MEMBERS SHALL BE SUBTRACTED. IF THE DEATH AND DISABILITY BENEFIT IS EQUAL TO OR GREATER THAN THE AMOUNT SCHEDULED TO BE CONTRIBUTED TO THE MUNICIPALITY OR DISTRICT, THE FIRE AND POLICE PENSION ASSOCIATION SHALL NOT MAKE A CONTRIBUTION, AND THE STATE PAYMENT OF DEATH AND DISABILITY BENEFITS SHALL BE IN LIEU OF ANY CONTRIBUTION PREVIOUSLY MADE TO THE MUNICIPALITY OR DISTRICT. FOR THE PURPOSES OF THIS PARAGRAPH (f), "MEMBER" HAS THE MEANING PROVIDED IN SECTION 31-30-1002.

(g) THE MONEYS NECESSARY TO MAKE THE STATE'S CONTRIBUTION UNDER THIS SECTION SHALL BE DERIVED FROM THE PROCEEDS OF THE TAX IMPOSED BY SECTION 10-3-209, C.R.S., AS FOLLOWS:

(I) ON SEPTEMBER 30 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER THE AMOUNT NECESSARY TO PROVIDE CONTRIBUTIONS EQUAL TO THE CONTRIBUTIONS

MADE BY THE STATE TO EACH MUNICIPALITY AND DISTRICT DURING THE CALENDAR YEAR 1979 TO THE FIRE AND POLICE PENSION ASSOCIATION FOR DISBURSEMENT TO THE FUND OF EACH MUNICIPALITY OR DISTRICT.

(II) TO THE EXTENT THE STATE'S CONTRIBUTION UNDER THIS SECTION EXCEEDS THE CONTRIBUTIONS MADE BY THE STATE DURING THE CALENDAR YEAR 1979, THE STATE TREASURER SHALL TRANSFER THE EXCESS AMOUNTS FROM THE PROCEEDS OF THE TAX IMPOSED BY SECTION 10-3-209, C.R.S., TO THE FIRE AND POLICE PENSION ASSOCIATION ON SEPTEMBER 30 OF EACH YEAR FOR DISBURSEMENT TO THE MUNICIPALITY'S OR DISTRICT'S FUNDS. MONEYS TRANSFERRED UNDER THIS SUBPARAGRAPH (II) SHALL BE SEPARATE FROM AND IN ADDITION TO MONEYS TRANSFERRED UNDER SECTION 31-30-1014 (5) AND DO NOT REVERT TO THE GENERAL FUND BUT ARE AVAILABLE FOR THE PURPOSES PROVIDED IN THIS SECTION.

(h) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY THIS SECTION, ON SEPTEMBER 30 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER FROM THE PROCEEDS OF THE TAX IMPOSED BY SECTION 10-3-209, C.R.S., TO THE FIRE AND POLICE PENSION ASSOCIATION, SUCH MONEYS AS MAY BE NECESSARY TO PAY FOR THE ACCIDENTAL DEATH AND DISABILITY INSURANCE POLICY FOR VOLUNTEER FIREFIGHTERS PROVIDED IN SECTION 31-30-1005 (4).

(i) MONEYS TRANSFERRED PURSUANT TO THIS SECTION SHALL BE INCLUDED FOR INFORMATION PURPOSES IN THE GENERAL APPROPRIATION BILL OR IN SUPPLEMENTAL APPROPRIATION BILLS TO COMPLY WITH THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SECTION 24-77-103, C.R.S.

(j) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CONTINUALLY FUND VOLUNTEER FIREFIGHTER PENSION PLANS.

31-30-1113. Fund investments. (1) THE BOARD MAY INVEST ALL OR ANY PART OF FUND MONEYS IN THE NAME OF THE BOARD'S TREASURER OR IN THE NAME OF A CUSTODIAN OR CUSTODIANS APPOINTED BY THE BOARD UNDER THIS SECTION IN INTEREST-BEARING OBLIGATIONS OF THE UNITED STATES, IN INTEREST-BEARING BONDS OF THIS STATE, IN GENERAL OBLIGATION BONDS OF MUNICIPALITIES, WHETHER ORGANIZED UNDER GENERAL LAW OR ARTICLE XX OF THE STATE CONSTITUTION, OR IN ANY DEPOSITORY STATED IN SECTION 24-75-603, C.R.S., AND SECURED AS PROVIDED IN ARTICLES 10.5 AND 47 OF TITLE 11, C.R.S. BY WRITTEN RESOLUTION, THE BOARD MAY APPOINT ONE OR MORE PERSONS TO ACT AS A CUSTODIAN OR CUSTODIANS, IN ADDITION TO THE TREASURER, TO DEPOSIT OR CAUSE TO BE DEPOSITED ALL OR PART OF THE FUND IN ANY STATE OR NATIONAL BANK OR ANY STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN ASSOCIATION IN THIS STATE. THE APPOINTED PERSONS SHALL GIVE SURETY BONDS, AND THE BOARD SHALL DETERMINE THE BONDS' AMOUNTS, FORM, AND PURPOSES. THESE SECURITIES AND EVIDENCES OF INVESTMENT SHALL BE DEPOSITED WITH THE TREASURER OF THE MUNICIPALITY OR DISTRICT.

(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 PART 3 OF ARTICLE 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.

31-30-1114. Fund investment in insurance. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND WITH THE CONCURRENCE OF SIXTY-FIVE PERCENT OF THE FIRE DEPARTMENT MEMBERS VOTING THEREON AND SIXTY-FIVE PERCENT OF THE RETIRED FIRE DEPARTMENT MEMBERS VOTING THEREON, THE BOARD MAY:

(a) INSURE THE FIRE DEPARTMENT MEMBERS UNDER THE FOLLOWING INSURANCE POLICIES ISSUED BY COMPANIES AUTHORIZED TO DO BUSINESS IN THIS STATE:

(I) INDIVIDUAL, GROUP, OR BLANKET LIFE, ENDOWMENT, OR ANNUITY INSURANCE;

(II) VARIABLE ANNUITY INSURANCE; OR

(III) DISABILITY OR LIABILITY INSURANCE; AND

(b) SPEND ANY PART OF THE FUND TO PAY PREMIUMS ON THESE POLICIES.

(2) THE BOARD SHALL NOT SPEND FUND MONEYS TO PURCHASE INSURANCE IF THE EXPENDITURE WOULD IMPAIR THE PENSION FUND'S ABILITY TO:

(a) PAY ANNUITIES TO A FIRE DEPARTMENT MEMBER, SURVIVING SPOUSE, OR DEPENDENT PARENT OR CHILD RECEIVING ANNUITIES; OR

(b) MEET THE FUTURE REQUIREMENTS OF PENSIONS, BENEFITS, AND AWARDS UNDER THE PLAN.

(3) THE BOARD MUST BE THE BENEFICIARY OF ANY INSURANCE POLICIES, AND THE PROCEEDS OF THE INSURANCE POLICIES SHALL BE PAID TO THE BOARD AS AN ADDITION TO THE FUND.

31-30-1115. Warrants. (1) OFFICERS OF THE MUNICIPALITY OR DISTRICT WHO ARE DESIGNATED BY LAW TO DRAW WARRANTS ON THE TREASURER OF THE MUNICIPALITY OR DISTRICT SHALL DRAW WARRANTS THEREON UPON ORDERS BY THE BOARD, PAYABLE TO THE BOARD'S TREASURER FOR MONEYS BELONGING TO THE FUND.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE BOARD'S TREASURER SHALL PAY MONEYS ORDERED TO BE PAID FROM THE FUND TO ANY PERSON ONLY UPON WARRANTS SIGNED BY THE BOARD'S PRESIDENT AND COUNTERSIGNED BY THE BOARD'S SECRETARY. A WARRANT SHALL NOT BE DRAWN EXCEPT BY THE BOARD'S ORDER THAT IS DULY ENTERED IN THE RECORDS OF THE BOARD'S PROCEEDINGS.

(3) FUND MONEYS IN NONINSURED TRUST PENSION PLANS WITH A BANK OR TRUST COMPANY SHALL BE PAID BY THE TRUSTEE ONLY UPON THE BOARD'S WRITTEN ORDER THAT IS SIGNED BY THE BOARD'S PRESIDENT, COUNTERSIGNED BY THE BOARD'S

SECRETARY, AND DULY ENTERED IN THE RECORDS OF THE BOARD'S PROCEEDINGS.

31-30-1116. Treasurer - custodian - segregation of moneys. (1) THE BOARD'S TREASURER AND THE CUSTODIAN APPOINTED BY THE BOARD UNDER SECTION 31-30-1113 ARE THE CUSTODIANS OF THE FUND AND SHALL SECURE AND SAFELY KEEP BOOKS AND ACCOUNTS CONCERNING THE FUND IN THE MANNER AS THE BOARD MAY PRESCRIBE. THE BOOKS AND ACCOUNTS ARE SUBJECT TO INSPECTION BY THE BOARD, ANY BOARD MEMBER, OR ANY OTHER INTERESTED PERSON. UPON EXPIRATION OF THE TREASURER'S OR CUSTODIAN'S TERM OF OFFICE OR APPOINTMENT, THE TREASURER OR CUSTODIAN SHALL SURRENDER AND DELIVER TO THE SUCCESSOR ALL BONDS, SECURITIES, AND UNEXPENDED MONEYS OR OTHER PROPERTY OF THE FUND THAT THE TREASURER OR CUSTODIAN HAS POSSESSED.

(2) A MUNICIPALITY OR DISTRICT THAT INCLUDES BOTH PAID AND VOLUNTEER FIREFIGHTERS IN THEIR PENSION PLANS MAY CONSOLIDATE THE FUNDS BUT MUST SEGREGATE THE MONEYS FOR PAID AND VOLUNTEER FIREFIGHTERS ON AN EQUITABLE BASIS FOR ACCOUNTING AND ACTUARIAL PURPOSES. THE SEGREGATION SHALL BE CONSIDERED IN ACTUARIAL REPORTS ON THE FUNDS. IN COMPUTING THE PORTION OF THE FUND ATTRIBUTED TO VOLUNTEER FIREFIGHTERS, VOLUNTEER FIREFIGHTERS' BENEFITS SHALL NOT BE CHANGED.

31-30-1117. Exemption from levy. (1) EXCEPT FOR AN ASSIGNMENT FOR CHILD SUPPORT PURPOSES AS PROVIDED IN SECTIONS 14-10-118(1) AND 14-14-107, C.R.S., AND A WRIT OF GARNISHMENT THAT IS THE RESULT OF A JUDGMENT TAKEN FOR ARREARAGES FOR CHILD SUPPORT OR FOR CHILD SUPPORT DEBT, NO PART OF THE FUND, EITHER BEFORE OR AFTER ANY ORDER FOR DISTRIBUTION OF THE FUND TO A FIRE DEPARTMENT MEMBER, RETIRED FIRE DEPARTMENT MEMBER, OR BENEFICIARY OF THE FUND OR THE SURVIVING SPOUSE OR GUARDIAN OF ANY CHILD OF A DECEASED OR DISABLED FIRE DEPARTMENT MEMBER OR OF A DECEASED, DISABLED, OR RETIRED FIRE DEPARTMENT MEMBER SHALL BE HELD, SEIZED, TAKEN, SUBJECTED TO, DETAINED, OR LEVIED ON BY VIRTUE OF ANY ATTACHMENT, EXECUTION, PROTEST, OR PROCEEDING OF ANY NATURE WHATSOEVER ISSUED OUT OF OR BY ANY COURT IN THIS OR ANY OTHER STATE FOR THE PAYMENT OR SATISFACTION OF ALL OR PART OF ANY DEBT, DAMAGES, CLAIM, DEMAND, JUDGMENT, FINE, OR AMERCEMENT OF THE MUNICIPALITY OR DISTRICT OR OF A FIRE DEPARTMENT MEMBER, RETIRED FIRE DEPARTMENT MEMBER, OR THEIR SURVIVING SPOUSES, DEPENDENT CHILDREN, OR DESIGNATED BENEFICIARIES.

(2) EXCEPT AS PROVIDED IN SECTION 31-30-1118, THE FUND MUST BE KEPT, SECURED, AND DISTRIBUTED FOR THE PURPOSE OF ISSUING PENSIONS AND PROTECTING THE PERSONS NAMED IN THIS PART 11 AND FOR NO OTHER PURPOSE WHATSOEVER; EXCEPT THAT THE BOARD MAY ANNUALLY SPEND MONEYS AS IT DEEMS PROPER AND NECESSARY FROM THE FUND FOR NECESSARY EXPENSES CONNECTED WITH THE FUND.

31-30-1118. Fund use - other purposes. (1) IF THE GOVERNING BODY OF A MUNICIPALITY OR DISTRICT FINDS BY RESOLUTION THAT NO PERSON IS ELIGIBLE OR CAN BECOME ELIGIBLE FOR PAYMENT OF A FUND BENEFIT, IT MAY AUTHORIZE CONTRIBUTIONS OF ALL FUND MONEYS FOR ANY FIRE-RELATED PURPOSE AND, IF NO FIRE-RELATED PURPOSE EXISTS, FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY OR DISTRICT.

(2) AT LEAST SIXTY DAYS BEFORE ADOPTION OF THIS RESOLUTION, THE GOVERNING BODY OF THE MUNICIPALITY OR DISTRICT SHALL PUBLISH ONE NOTICE IN A NEWSPAPER WITH GENERAL CIRCULATION WITHIN THE MUNICIPALITY OR DISTRICT AND SHALL PROVIDE A COPY OF THE PUBLISHED NOTICE TO THE BOARD OF DIRECTORS OF THE FIRE AND POLICE PENSION ASSOCIATION. THE NOTICE MUST STATE THAT THE INTENT OF THE GOVERNING BODY IS TO USE THE MONEY IN THE FUND FOR THE PURPOSES PERMITTED IN SUBSECTION (1) OF THIS SECTION AND THAT PERSONS WHO BELIEVE THEY ARE OR MAY BE ENTITLED TO BENEFIT PAYMENTS FROM THE FUND HAVE FIFTY DAYS FROM THE DATE OF THE NOTICE IN WHICH TO FILE A WRITTEN OBJECTION WITH THE GOVERNING BODY REGARDING ITS PROPOSED USE OF THE FUND. IF A WRITTEN OBJECTION IS RECEIVED, THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING BEFORE ADOPTION OF THE RESOLUTION. BEFORE THE HEARING, THE GOVERNING BODY SHALL PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING AND SEND WRITTEN NOTICE OF THE HEARING BY CERTIFIED MAIL TO EACH PERSON WHO FILES A WRITTEN OBJECTION.

(3) IF A PERSON ESTABLISHES A CLAIM TO A BENEFIT FROM THE FUND WITHIN ONE YEAR AFTER ADOPTION OF THIS RESOLUTION, THE MUNICIPALITY OR DISTRICT SHALL REPAY TO THE FUND ANY MONEY PAID FROM THE FUND UNDER THIS SECTION, AND NO SUCH ADDITIONAL PAYMENTS SHALL BE MADE FROM THE FUND.

31-30-1119. Board report. 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.

31-30-1120. Maximum benefit amount. EXCEPT AS OTHERWISE PROVIDED IN SECTION 31-30-1129, A BENEFIT PROVIDED IN THIS PART 11 MUST NOT EXCEED FOUR HUNDRED AND FIFTY DOLLARS PER MONTH.

31-30-1121. Disability pension - rules - hearing. (1) IF A VOLUNTEER FIREFIGHTER IS INJURED WHILE IN THE LINE OF DUTY AS A VOLUNTEER FIREFIGHTER, THE BOARD SHALL PAY TO THE VOLUNTEER FIREFIGHTER:

(a) A SHORT-TERM DISABILITY MONTHLY ANNUITY FOR NOT MORE THAN ONE YEAR IN AN AMOUNT IT DETERMINES IS PROPER AND EQUITABLE, CONSIDERING THE FINANCIAL CONDITION OF THE FUND, BUT NOT MORE THAN ONE-HALF THE AMOUNT STATED IN SECTION 31-30-1120; OR

(b) A LONG-TERM DISABILITY MONTHLY ANNUITY FOR A DISABILITY THAT DEPRIVES THE VOLUNTEER FIREFIGHTER OF AN EARNING CAPACITY AND THAT EXTENDS BEYOND ONE YEAR IN AN AMOUNT IT DETERMINES IS PROPER AND NECESSARY, BUT NOT MORE THAN THE AMOUNT STATED IN SECTION 31-30-1120.

(2) DISABILITY-PENSION APPLICANTS SHALL BE EXAMINED BY ONE OR MORE PHYSICIANS SELECTED BY THE BOARD AND MAY BE EXAMINED BY ONE OR MORE PHYSICIANS SELECTED BY THE APPLICANT. THE BOARD SHALL PAY FROM THE FUND THE EXPENSES OF THE PHYSICIAN CHOSEN BY THE BOARD.

(3) THE BOARD SHALL ADOPT RULES IT DEEMS PROPER CONCERNING THE EXAMINATION OF PERSONS WHO ARE RECEIVING DISABILITY BENEFITS UNDER THIS SECTION TO DETERMINE PERIODICALLY THE FITNESS OF THESE PERSONS. A PERSON WHO IS RECEIVING BENEFITS UNDER THIS SECTION AND WHO IS EITHER FIFTY YEARS OF AGE OR HAS COMPLETED TWENTY YEARS OF ACTIVE DUTY IN THE FIRE DEPARTMENT BEFORE THE DATE DISABILITY BENEFITS UNDER THIS SECTION ARE FIRST PROVIDED SHALL NOT BE REEXAMINED. A PERSON RECEIVING BENEFITS UNDER THIS SECTION SHALL NOT BE EXAMINED BEFORE ONE YEAR AFTER THE DATE DISABILITY BENEFITS UNDER THIS SECTION ARE FIRST PROVIDED AND NOT MORE OFTEN THAN ANNUALLY AFTER THIS DATE.

(4) THE BOARD SHALL TERMINATE THE DISABILITY BENEFITS UNDER THIS SECTION OF A PERSON WHO THE BOARD FINDS HAS RECOVERED SUFFICIENTLY FROM THE DISABILITY THAT RESULTED IN THE RECEIPT OF THESE BENEFITS, IS UNDER THE AGE OF FIFTY YEARS, AND HAS SERVED LESS THAN TWENTY YEARS OF ACTIVE DUTY. A PERSON WHOSE BENEFITS ARE TERMINATED UNDER THIS SUBSECTION (4) MAY FILE A WRITTEN PROTEST WITHIN THIRTY DAYS AFTER THE TERMINATION DATE STATING THE OBJECTION TO THE TERMINATION AND REQUESTING A HEARING. THE DECISION OF THE BOARD IS SUSPENDED PENDING A HEARING ON THE PROTEST. AT THE HEARING, THE MEMBER MAY APPEAR AND BE REPRESENTED BY COUNSEL.

31-30-1122. Retirement pension. (1) THE BOARD OF A MUNICIPALITY, WITH THE PRIOR CONSENT OF THE MUNICIPALITY'S GOVERNING BODY, OR THE BOARD OF A FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT DISTRICT MAY PAY A RETIREMENT PENSION TO A VOLUNTEER FIREFIGHTER WHO HAS TWENTY YEARS OF ACTIVE SERVICE AND WHO IS OVER THE AGE OF FIFTY YEARS. THE RETIREMENT PENSION SHALL BE AN AMOUNT DETERMINED BY THE BOARD OF NOT MORE THAN ONE HUNDRED DOLLARS PER MONTH, UNLESS AN ACTUARIAL REVIEW INDICATES A HIGHER PAYMENT IS ACTUARIALLY SOUND, BUT IN NO CASE SHALL THE RETIREMENT PENSION EXCEED THE AMOUNT STATED IN SECTION 31-30-1120. PENSIONS THAT MAKE PAYMENTS IN EXCESS OF THREE HUNDRED DOLLARS PER MONTH ARE SUBJECT TO THE STATE CONTRIBUTION LIMITATION SPECIFIED IN SECTION 31-30-1112 (2) (b). A VOLUNTEER FIREFIGHTER SHALL NOT RECEIVE A RETIREMENT PENSION FOR SERVICE IN A FIRE DEPARTMENT WHILE THE FIREFIGHTER IS AN ACTIVE MEMBER OF THAT DEPARTMENT. A VOLUNTEER FIREFIGHTER SHALL MAINTAIN A MINIMUM TRAINING PARTICIPATION IN THE FIRE DEPARTMENT OF THIRTY-SIX HOURS EACH YEAR TO QUALIFY FOR RETIREMENT BENEFITS. A VOLUNTEER FIREFIGHTER WHO HAS SERVED TWENTY YEARS AND WHO HAS NOT REACHED THE AGE OF FIFTY YEARS MAY BE GRANTED A LEAVE OF ABSENCE AND RETAIN ALL RIGHTS TO A RETIREMENT PENSION AND IS ENTITLED TO THE RETIREMENT PENSION WHEN THE FIREFIGHTER IS FIFTY YEARS OF AGE.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE BOARD MAY PAY A RETIREMENT PENSION TO A VOLUNTEER FIREFIGHTER WHO HAS TEN YEARS OF ACTIVE SERVICE IF THE MUNICIPALITY'S OR DISTRICT'S FUND IS ACTUARIALLY SOUND. THE BOARD SHALL NOT PAY THIS RETIREMENT PENSION UNTIL THE VOLUNTEER FIREFIGHTER IS FIFTY YEARS OF AGE. THE AMOUNT OF THIS RETIREMENT PENSION SHALL BE DETERMINED BY PRORATING THE AMOUNT OF THE RETIREMENT PENSION UNDER SUBSECTION (1) OF THIS SECTION BASED ON THE VOLUNTEER FIREFIGHTER'S YEARS OF SERVICE.

31-30-1123. Retirement pension - sources of payment. THE RETIREMENT

PENSION OF A VOLUNTEER FIREFIGHTER WHO HAS EARNED TWENTY YEARS OF ACTIVE SERVICE AS A VOLUNTEER FIREFIGHTER FOR ANY ONE MUNICIPALITY OR DISTRICT SHALL BE PAID FROM THE FUND OF THAT MUNICIPALITY OR DISTRICT, AND NO OTHER FUND SHALL PAY A PENSION TO THAT VOLUNTEER FIREFIGHTER. THE RETIREMENT PENSION OF A VOLUNTEER FIREFIGHTER WHO EARNS TWENTY YEARS OF ACTIVE SERVICE AS A VOLUNTEER FIREFIGHTER AFTER JUNE 2, 1977, BY SERVING MORE THAN ONE MUNICIPALITY OR DISTRICT SHALL BE PAID FROM THE FUND OF EACH MUNICIPALITY OR DISTRICT FOR WHICH THE VOLUNTEER FIREFIGHTER SERVED AT LEAST FIVE YEARS. THE AMOUNT PAID BY EACH FUND FOR EACH YEAR OF SERVICE WITH THE PARTICULAR MUNICIPALITY OR DISTRICT SHALL EQUAL ONE-TWENTIETH OF THE RETIREMENT PENSION BEING PAID BY THAT FUND ON THE DAY THE VOLUNTEER FIREFIGHTER LEFT THE SERVICE OF THE PARTICULAR MUNICIPALITY OR DISTRICT. THE RETIREMENT PENSION OF A VOLUNTEER FIREFIGHTER WHO EARNS TWENTY YEARS OF ACTIVE SERVICE AS A VOLUNTEER FIREFIGHTER BY SERVING MORE THAN ONE MUNICIPALITY OR DISTRICT SHALL BE PAID ONLY BY THE MUNICIPALITY OR DISTRICT LAST SERVED BY THAT VOLUNTEER FIREFIGHTER IF ANY PART OF THE TWENTY YEARS OF SERVICE WAS EARNED ON OR BEFORE JUNE 2, 1977. IN NO EVENT SHALL A VOLUNTEER FIREFIGHTER RECEIVE A TOTAL RETIREMENT BENEFIT FROM ALL VOLUNTEER FIREFIGHTER PENSION FUNDS EXCEEDING THE AMOUNT STATED IN SECTION 31-30-1120.

31-30-1124. Compliance - insufficient moneys. (1) THE BOARD MAY REQUIRE INFORMATION, INCLUDING PROOF OF YEARS OF SERVICE, AND ESTABLISH PROCEDURES AS IT DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THE REQUIREMENTS AND LIMITATIONS OF SECTIONS 31-30-1122 AND 31-30-1123.

(2) IF AT ANY TIME MONEY OR OTHER PROPERTY IN THE FUND IS INSUFFICIENT TO PAY THE FULL AMOUNT PER MONTH TO WHICH EACH VOLUNTEER FIREFIGHTER RECEIVING A PENSION UNDER THIS PART 11 AND OTHER BENEFICIARY OF THE FUND IS ENTITLED, AN EQUAL PERCENTAGE OF THE MONTHLY PAYMENT SHALL BE MADE TO THOSE VOLUNTEER FIREFIGHTERS AND OTHER BENEFICIARIES UNTIL THE FUND IS REPLENISHED IN AN AMOUNT THAT PERMITS PAYMENT IN FULL TO THOSE VOLUNTEER FIREFIGHTERS AND OTHER BENEFICIARIES.

31-30-1125. Supplemental retirement pension. (1) IN ADDITION TO THE MONTHLY RETIREMENT PENSION PROVIDED BY SECTION 31-30-1122, THE BOARD OF A MUNICIPALITY, WITH THE PRIOR CONSENT OF THE MUNICIPALITY'S GOVERNING BODY, OR THE BOARD OF A FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT DISTRICT MAY PAY A SUPPLEMENTAL MONTHLY RETIREMENT PENSION TO A VOLUNTEER FIREFIGHTER WHO IS FIFTY YEARS OF AGE AND WHO HAS BEEN IN ACTIVE SERVICE MORE THAN TWENTY YEARS IF:

(a) AN ACTUARIAL REVIEW INDICATES A SUPPLEMENTAL MONTHLY PENSION PAYMENT IS ACTUARIALLY SOUND; AND

(b) SIXTY-FIVE PERCENT OF THE TOTAL NUMBER OF FIRE DEPARTMENT MEMBERS AND RETIRED FIRE DEPARTMENT MEMBERS GIVE PRIOR APPROVAL.

(2) THE SUPPLEMENTAL MONTHLY PENSION PAYMENT SHALL NOT EXCEED FIVE PERCENT OF THE MONTHLY PENSION PAYMENT PROVIDED BY SECTION 31-30-1122 MULTIPLIED BY THE NUMBER OF YEARS OF ACTIVE SERVICE IN EXCESS OF TWENTY

YEARS, UP TO A MAXIMUM OF TEN YEARS; EXCEPT THAT THE TOTAL OF THE MONTHLY RETIREMENT PENSION PAYMENT PROVIDED BY SECTION 31-30-1122 AND THE SUPPLEMENTAL MONTHLY PENSION PAYMENT SHALL NOT EXCEED THE AMOUNT STATED IN SECTION 31-30-1120.

31-30-1126. Survivor benefit. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, UPON THE DEATH OF A RETIRED FIRE DEPARTMENT MEMBER OR A VOLUNTEER FIREFIGHTER WHO, REGARDLESS OF AGE, HAS SERVED THE REQUISITE NUMBER OF YEARS FOR RETIREMENT UNDER SECTION 31-30-1122 AND WHO LEAVES A SURVIVING SPOUSE, THE BOARD MAY PAY AN ANNUITY OF NOT MORE THAN FIFTY PERCENT OF THE CURRENT PENSION PAYMENT FOR A RETIRED FIRE DEPARTMENT MEMBER IF THE FUND IS ACTUARIALLY SOUND. IF THE VOLUNTEER FIREFIGHTER HAD LESS THAN TWENTY YEARS OF ACTIVE SERVICE, THE ANNUITY TO THE SURVIVING SPOUSE SHALL BE PRORATED BASED UPON THE NUMBER OF YEARS OF SERVICE.

(2) THIS ANNUITY TO THE SURVIVING SPOUSE SHALL CEASE IF THE SURVIVING SPOUSE REMARRIES. DISSOLUTION OF A SUBSEQUENT MARRIAGE DOES NOT REINSTATE THE ANNUITY. A SURVIVING SPOUSE SHALL NOT RECEIVE BOTH AN ANNUITY UNDER SECTION 31-30-1127 AND AN ANNUITY UNDER THIS SECTION.

(3) THE BENEFITS UNDER THIS SECTION DO NOT APPLY IF THE OPTIONAL SURVIVOR BENEFITS UNDER SECTION 31-30-1128 ARE PROVIDED.

31-30-1127. Survivor benefit - death from injuries in the line of duty.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF A FIRE DEPARTMENT MEMBER DIES FROM INJURIES RECEIVED WHILE IN THE LINE OF DUTY AS A VOLUNTEER FIREFIGHTER AND LEAVES A SURVIVING SPOUSE, THE BOARD SHALL PAY THE SURVIVING SPOUSE A MONTHLY ANNUITY EITHER IN AN AMOUNT THE BOARD DEEMS PROPER AND NECESSARY, BUT NOT MORE THAN ONE-HALF THE AMOUNT PROVIDED IN SECTION 31-30-1120, OR WITHIN LIMITS PRESCRIBED BY MUNICIPAL ORDINANCE OR BY RULES OF THE BOARD OF THE AFFECTED MUNICIPALITY OR DISTRICT. THE ANNUITY SHALL CEASE IF THE SURVIVING SPOUSE REMARRIES. DISSOLUTION OF A SUBSEQUENT MARRIAGE DOES NOT REINSTATE THE ANNUITY.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF THERE IS NO SURVIVING SPOUSE AS PROVIDED IN SUBSECTION (1) OF THIS SECTION BUT THERE IS A SURVIVING CHILD OF THE DECEASED VOLUNTEER FIREFIGHTER UNDER EIGHTEEN YEARS OF AGE, THE BOARD SHALL PAY A MONTHLY ANNUITY EITHER IN AN AMOUNT THE BOARD DEEMS PROPER OR NECESSARY, BUT NOT MORE THAN ONE-HALF THE AMOUNT PROVIDED IN SECTION 31-30-1120, OR WITHIN LIMITS PRESCRIBED BY MUNICIPAL ORDINANCE OR BY RULES OF THE BOARD OF THE AFFECTED MUNICIPALITY OR DISTRICT. THE BOARD SHALL PAY THIS ANNUITY TO THE GUARDIAN OF THE CHILD ON BEHALF OF THE CHILD. THE ANNUITY SHALL CEASE WHEN THE CHILD IS EIGHTEEN YEARS OF AGE.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF THERE IS NO SURVIVING SPOUSE OR CHILD AS PROVIDED IN SUBSECTIONS (1) AND (2) OF THIS SECTION BUT THERE IS A SURVIVING DEPENDENT PARENT OF THE DECEASED VOLUNTEER FIREFIGHTER, THE BOARD SHALL PAY THE DEPENDENT PARENT A MONTHLY ANNUITY EITHER IN AN AMOUNT THE BOARD DEEMS PROPER AND NECESSARY, BUT NOT MORE THAN ONE-HALF THE AMOUNT PROVIDED IN SECTION

31-30-1120, OR WITHIN LIMITS PRESCRIBED BY MUNICIPAL ORDINANCE OR BY RULES OF THE BOARD OF THE AFFECTED MUNICIPALITY OR DISTRICT. THE ANNUITY SHALL CEASE IF THE DEPENDENT PARENT REMARRIES. DISSOLUTION OF A SUBSEQUENT MARRIAGE DOES NOT REINSTATE THE ANNUITY.

(4) THE BENEFITS UNDER THIS SECTION:

(a) ARE IN ADDITION TO THE EDUCATIONAL BENEFITS UNDER SECTION 23-3.3-205, C.R.S.;

(b) DO NOT APPLY IF THE OPTIONAL SURVIVOR BENEFITS UNDER SECTION 31-30-1128 ARE PROVIDED.

31-30-1128. Optional survivor benefits. (1) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 31-30-1126 AND 31-30-1127 RELATING TO PAYMENT OF ANNUITIES IN THE EVENT OF THE DEATH OF A VOLUNTEER FIREFIGHTER IN ACTIVE SERVICE, THE BOARD IN ANY MUNICIPALITY, WITH THE PRIOR CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY, FIRE PROTECTION DISTRICT, OR COUNTY IMPROVEMENT DISTRICT HAVING A VOLUNTEER FIRE DEPARTMENT MAY PROVIDE TO THE ACTIVE MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT THE OPTION OF HAVING THE SURVIVOR BENEFITS OFFERED BY THIS SECTION IN LIEU OF THE PURCHASE OF INDIVIDUAL, GROUP, OR BLANKET LIFE, ENDOWMENT, OR ANNUITY OR VARIABLE ANNUITY INSURANCE PURSUANT TO SECTION 31-30-1114 (1) (a) (I) AND (1) (a) (II) AND IN LIEU OF THE SURVIVOR BENEFITS PROVIDED TO ACTIVE VOLUNTEER FIREFIGHTERS PURSUANT TO SECTIONS 31-30-1126 AND 31-30-1127 IF THE FOLLOWING CONDITIONS ARE MET:

(a) SIXTY-FIVE PERCENT OF THE ACTIVE AND RETIRED VOLUNTEER FIREFIGHTERS OF THE AFFECTED VOLUNTEER FIRE DEPARTMENT CONSENT IN WRITING TO THE OPTION PROVIDED BY THIS SECTION;

(b) AN ACTUARIAL REVIEW BY AN INDEPENDENT ACTUARY INDICATES THE OPTION PROVIDED BY THIS SECTION IS ACTUARIALLY SOUND AND WILL NOT IMPAIR THE ABILITY OF PENSION FUNDS TO PAY THE ANNUITIES TO A BENEFICIARY OR TO PAY PENSIONS; AND

(c) IF A MUNICIPALITY INTENDS TO PROVIDE THE OPTION PROVIDED BY THIS SECTION, THE GOVERNING BODY OF THE MUNICIPALITY CONSENTS TO THE OPTION.

(2) THE GOVERNING BODY OF A MUNICIPALITY OR THE BOARD OF A FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT DISTRICT HAVING A VOLUNTEER FIRE DEPARTMENT THAT INTENDS TO PROVIDE THE OPTION PROVIDED BY THIS SECTION SHALL DETERMINE WHETHER THE SURVIVOR BENEFITS ARE ALLOWED ONLY IF THE VOLUNTEER FIREFIGHTER DIES WHILE ON DUTY AND SHALL DETERMINE THE BENEFIT AMOUNT EQUAL TO UP TO ONE HUNDRED PERCENT OF THE AMOUNT OF THE PENSION THE VOLUNTEER FIREFIGHTER WOULD HAVE BEEN ENTITLED TO UNDER THIS PART 11 IF THE VOLUNTEER FIREFIGHTER HAD RETIRED IMMEDIATELY BEFORE THE VOLUNTEER FIREFIGHTER'S DEATH. IF SURVIVOR BENEFITS ARE PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE MEMBERS OF A VOLUNTEER FIRE DEPARTMENT AND IF A VOLUNTEER FIREFIGHTER WHO IS A MEMBER OF SUCH FIRE DEPARTMENT DIES ON DUTY OR, IF AUTHORIZED BY THE GOVERNING BODY OR BOARD,

OFF DUTY, A SPOUSE, DEPENDENT CHILD, OR DEPENDENT PARENT OF THE VOLUNTEER FIREFIGHTER OR, LACKING SUCH DEPENDENTS, ANY OTHER BENEFICIARY WHO IS A NATURAL PERSON AND WHO HAS BEEN DESIGNATED BY THE VOLUNTEER FIREFIGHTER SHALL RECEIVE A MONTHLY ANNUITY IN THE AMOUNT DETERMINED PURSUANT TO THIS SUBSECTION (2).

(3) IF SURVIVOR BENEFITS ARE PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL PAY THE ANNUITY AUTHORIZED BY THIS SECTION TO THE DESIGNATED BENEFICIARY OR TO THE LEGAL GUARDIAN OF THE DESIGNATED BENEFICIARY WHO IS A CHILD UNDER THE AGE OF EIGHTEEN AS FOLLOWS:

(a) UNTIL THE DEATH OF THE BENEFICIARY;

(b) IF THE BENEFICIARY IS A CHILD UNDER THE AGE OF EIGHTEEN, UNTIL THE DEATH OF THE CHILD OR UNTIL THE CHILD IS EIGHTEEN YEARS OF AGE;

(c) IF THE BENEFICIARY IS A FULL-TIME STUDENT IN AN EDUCATIONAL OR VOCATIONAL INSTITUTION, UNTIL THE BENEFICIARY IS TWENTY-THREE YEARS OF AGE;

(d) IF THE BENEFICIARY IS THE SURVIVING SPOUSE, UNTIL THE SURVIVING SPOUSE REMARRIES; OR

(e) UNTIL THE PROCEEDS OF THE INSURANCE POLICIES PROVIDED IN SUBSECTION (4) OF THIS SECTION AND THE ACCRUED INTEREST ON SUCH INSURANCE PROCEEDS ARE EXHAUSTED.

(4) TO PAY THE COSTS OF THE OPTION PROVIDED PURSUANT TO THIS SECTION, THE BOARD SHALL INSURE MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT BY INSURANCE POLICIES OF INDIVIDUAL, GROUP, OR BLANKET LIFE, ENDOWMENT, OR ANNUITY INSURANCE OR VARIABLE ANNUITY INSURANCE. THE PENSION FUND MUST BE THE BENEFICIARY OF THESE INSURANCE POLICIES, AND THE PROCEEDS OF THESE INSURANCE POLICIES SHALL BE PAID TO THE BOARD AS AN ADDITION TO THE FUND. PAYMENT OF THE PREMIUMS ON THESE POLICIES SHALL BE PAID FROM THE EXISTING PENSION FUND ASSETS, FROM ADDITIONAL LOCAL CONTRIBUTIONS MADE TO THE EXISTING PENSION FUND FOR PAYMENT OF THE PREMIUMS, OR BOTH; EXCEPT THAT, NOTWITHSTANDING THE PROVISIONS OF SECTION 31-30-1112 CONCERNING THE AMOUNT OF STATE CONTRIBUTIONS TO THE PENSION FUND, ADDITIONAL STATE CONTRIBUTIONS SHALL NOT BE MADE TO THE EXISTING PENSION FUND ASSETS FOR PAYMENT OF THE PREMIUMS ON THESE POLICIES OR AS A RESULT OF ADDITIONAL LOCAL CONTRIBUTIONS MADE TO THE EXISTING PENSION FUND FOR PAYMENT OF THE PREMIUMS.

(5) IF SURVIVOR BENEFITS ARE PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND IF A VOLUNTEER FIREFIGHTER TERMINATES ACTIVE DUTY BEFORE RETIREMENT, THE BOARD MAY ALLOW THE FIREFIGHTER TO PURCHASE ANY INSURANCE POLICY THAT WAS PURCHASED PURSUANT TO SUBSECTION (4) OF THIS SECTION AT A PRICE EQUAL TO THE CASH VALUE OF THE POLICY. IF THE FIREFIGHTER DOES NOT PURCHASE THE POLICY, THE BOARD SHALL SURRENDER THE POLICY FOR ITS CASH VALUE. MONEYS OBTAINED BY THE BOARD PURSUANT TO THIS SUBSECTION (5) SHALL BE DEPOSITED IN THE PENSION FUND AND USED TO PAY THE COSTS OF THE SURVIVOR BENEFITS PROVIDED PURSUANT TO THIS SECTION.

(6) THE SURVIVOR BENEFITS PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY BE TERMINATED AT ANY TIME BY EITHER:

(a) A VOTE TO TERMINATE BY THE GOVERNING BODY OF THE MUNICIPALITY OR THE BOARD OF THE FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT DISTRICT HAVING A VOLUNTEER FIRE DEPARTMENT;

(b) A VOTE TO TERMINATE APPROVED BY SIXTY-FIVE PERCENT OF THE MEMBERS OF THE VOLUNTEER FIRE DEPARTMENT.

31-30-1129. Funeral benefit. WHEN AN ACTIVE VOLUNTEER FIREFIGHTER OR RETIRED FIRE DEPARTMENT MEMBER DIES, THE BOARD SHALL PAY A FUNERAL BENEFIT TO ASSIST IN THE PROPER BURIAL OF THE DECEASED FIREFIGHTER IN AN AMOUNT DETERMINED BY THE BOARD OF NOT MORE THAN TWICE THE AMOUNT DETERMINED BY THE BOARD UNDER SECTION 31-30-1122, BUT NOT LESS THAN ONE HUNDRED DOLLARS, NOTWITHSTANDING SECTION 31-30-1120. THE BOARD SHALL PAY THIS FUNERAL BENEFIT TO ANY PERSON WHO PAYS THE NECESSARY FUNERAL EXPENSES.

31-30-1130. Fire department dissolution. (1) IF A FIRE DEPARTMENT DISSOLVES AND THE SERVICES OF VOLUNTEER FIREFIGHTERS OR THE FIRE DEPARTMENT ARE DISCONTINUED:

(a) THE BENEFITS PAID UNDER THIS PART 11 TO VOLUNTEER FIREFIGHTERS OR THEIR SURVIVING SPOUSES, DEPENDENT PARENTS, CHILDREN, AND OTHER BENEFICIARIES AT THE TIME OF THE DISSOLUTION SHALL CONTINUE;

(b) ASSETS OF THE FUND SHALL BE TRANSFERRED WITH OTHER ASSETS OF THE FIRE DEPARTMENT AND SHALL BE ADMINISTERED BY THE BOARD OF TRUSTEES OF THE SUCCESSOR PENSION FUND;

(c) IN NO EVENT SHALL THE RATE OF COMPENSATION BE ALTERED EITHER AFTER COMMENCEMENT OF PROCEEDINGS FOR DISSOLUTION HAS OCCURRED OR AFTER ITS COMPLETION;

(d) A VOLUNTEER FIREFIGHTER WHO HAS ACCRUED TEN OR MORE YEARS OF ACTIVE SERVICE AT THE TIME OF THE DISSOLUTION SHALL BE GRANTED AN ANNUITY AFTER THE FIREFIGHTER IS FIFTY YEARS OF AGE. THE ANNUITY SHALL BE PRORATED IN ACCORDANCE WITH THE NUMBER OF YEARS OF SERVICE AND THE AMOUNT OF ANNUITY BEING PAID FOR AGE AND SERVICE PENSIONS BY THE BOARD AT THE TIME OF THE DISSOLUTION.

31-30-1131. Volunteer firefighter - employment termination restricted.

(1) AN EMPLOYER SHALL NOT TERMINATE AN EMPLOYEE WHO IS A VOLUNTEER FIREFIGHTER AND WHO FAILS TO REPORT TO WORK BECAUSE THE EMPLOYEE HAS RESPONDED TO AN EMERGENCY SUMMONS IF THE EMPLOYEE PROVIDES THE EMPLOYER WITH A WRITTEN STATEMENT FROM THE CHIEF OF THE FIRE DEPARTMENT THAT THE EMPLOYEE'S ABSENCE WAS DUE TO THE RESPONSE.

(2) AN EMPLOYER MAY DEDUCT TIME LOST FROM EMPLOYMENT CAUSED BY A RESPONSE TO AN EMERGENCY SUMMONS FROM THE WAGES OF AN EMPLOYEE WHO IS A VOLUNTEER FIREFIGHTER.

SECTION 3. 24-33.5-1205 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-33.5-1205. Duties of the advisory board. (1) The advisory board has the following duties relating to the firefighter certification program:

(b) To ensure that the quality and uniformity of the program is adequate to provide minimum training standards and to meet the requirements for volunteer firefighters in section ~~31-30-415 (8) (a)~~ 31-30-1122, C.R.S.;

SECTION 4. 30-20-512 (1) (n) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-20-512. General powers of district. (1) The district has the following limited powers:

(n) In a district providing fire protection services:

(I) To create and maintain a firemen's pension fund, under the provisions of parts 4 and 8 of article 30 of title 31, C.R.S., subject to the provisions of part 10 of said article, AND A VOLUNTEER FIREFIGHTER PENSION FUND UNDER PART 11 OF ARTICLE 30 OF TITLE 31, C.R.S.; and

SECTION 5. 31-30-401, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-30-401. Board of trustees of firemen's pension fund. In any municipality, fire protection district, or county improvement district in this state which maintains a regularly organized ~~volunteer or~~ paid fire department or fire department aid association, there is hereby created and established a board of trustees of the firemen's pension fund, referred to in this part 4 as the "board". The firemen's pension fund, referred to in this part 4 as the "fund", shall be derived from the sources and in the manner provided in this part 4. The fund shall be managed, used, and disbursed according to the provisions of this part 4 by the board in conformity with its rules and bylaws, and said board is vested with the general supervision and control of said fund. The board is authorized to take all necessary steps and pursue all necessary remedies for its preservation.

SECTION 6. 31-30-405 (5), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-405. State treasurer to pay over funds. (5) A paid fireman is any fireman whose main source of income is derived from service on a fire department. All other firemen who render service to a fire department are volunteer ~~firemen~~ FIREFIGHTERS.

SECTION 7. 31-30-408, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-30-408. Age retirement pension. Except as provided in section 31-30-511, any ~~member, officer, or employee~~ MEMBERS, OFFICERS, OR EMPLOYEES of any paid

fire department of a municipality, fire protection district, or county improvement district who ~~has~~ HAVE reached the age of fifty years and who ~~has~~ HAVE served for a period of twenty years of active service in any such department in this state ~~is~~ ARE entitled to a monthly pension equal to one-half the amount of ~~his~~ THEIR RESPECTIVE monthly salary as of the date of ~~his~~ THEIR RESPECTIVE retirement plus, if the governing body of the municipality, the board of directors of the fire protection district, or the board of the county improvement district authorizes such additional benefits, one-half of any increase in salary and longevity or additional pay based on length of service granted during the period of ~~his~~ THEIR RESPECTIVE retirement to the rank occupied by ~~him~~ THEM RESPECTIVELY in said department. Any ~~member, officer, or employee~~ MEMBERS, OFFICERS, OR EMPLOYEES of a paid fire department of a municipality, fire protection district, or county improvement district, who ~~has~~ HAVE served prior time in a volunteer fire department in any municipality, fire protection district, or county improvement district in this state, in the event ~~he becomes~~ THEY BECOME a paid member, ~~shall~~ MAY be credited service time, AT THEIR DISCRETION, at the rate of one year of paid service for each four complete years of volunteer time; EXCEPT THAT THEY SHALL NOT RECEIVE BOTH A PENSION UNDER PART 11 OF THIS ARTICLE AND A SERVICE CREDIT UNDER THIS SECTION.

SECTION 8. 31-30-415 (7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-30-415. Insurance - fire department dissolution. (7) The board in any municipality, fire protection district, or county improvement district having a paid ~~or volunteer~~ fire department or a fire department aid association is hereby authorized, with the consent in writing of a majority of the members of such department or association, to insure the members of such ~~paid or volunteer~~ fire department or fire department aid association by insurance policies of individual, group, or blanket life, endowment, or annuity insurance, variable annuity insurance, or disability or liability insurance in and from companies authorized to do business in Colorado and to expend any portion of such pension fund for the purpose of paying the premiums on any such policies, but the expending of said funds shall not impair the ability of such pension funds to pay the annuities to a member, surviving spouse or dependent parent or children receiving such annuities.

SECTION 9. 31-30-418, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-418. Applicability. The provisions of this part 4 shall be subject to the provisions of part 10 of this article. THIS PART 4 APPLIES ONLY TO MEMBERS OF PAID FIRE DEPARTMENTS AND FIRE DEPARTMENT AID ASSOCIATIONS.

SECTION 10. 31-30-803 (2) and (6), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

31-30-803. Definitions. As used in this part 8, unless the context otherwise requires:

(2) "Employee" means any fireman, except any volunteer ~~fireman~~ FIREFIGHTER, or police officer employed by an employer who is eligible for the benefits provided pursuant to part 3, 4, 5, or 6 of this article.

(6) ~~"Volunteer fireman" means any fireman who renders service to a fire department and who does not receive compensation pursuant to a contract of employment as a fireman. A volunteer fireman may be reimbursed for actual expenses incurred, including salary lost as a consequence of actual firefighting duties which absent the volunteer firefighter from normal employment, but such reimbursement shall not be considered compensation~~ "VOLUNTEER FIREFIGHTER" HAS THE SAME MEANING AS PROVIDED IN SECTION 31-30-1102 (9).

SECTION 11. 31-30-805 (4) and (7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

31-30-805. Limitation on existing funds - procedures. (4) All municipalities, fire protection districts, and county improvement districts, including both paid FIREFIGHTERS and volunteer ~~firemen~~ FIREFIGHTERS in their pension plans, shall segregate the pension funds for paid FIREFIGHTERS and volunteer ~~firemen~~ FIREFIGHTERS on an equitable basis for accounting and actuarial purposes, and said segregation shall be considered in all actuarial reports applicable to such funds. In computing the portion of the fund attributable to volunteer ~~firemen~~ FIREFIGHTERS, the benefits of such volunteer ~~firemen~~ FIREFIGHTERS shall not be reduced or otherwise changed.

(7) Volunteer ~~firemen~~ FIREFIGHTERS and ~~pension funds of volunteer firemen~~ FIREFIGHTER PENSION FUNDS shall be exempt from all provisions of this section except subsection (4) of this section.

SECTION 12. 31-30-901 (2) (n), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-901. Commission created - duties. (2) The commission shall study and develop proposed legislation relating to funding of policemen's and firemen's 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:

(n) The volunteer ~~firemen's~~ FIREFIGHTER pension system;

SECTION 13. 31-30-1002 (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-30-1002. Definitions. As used in this part 10, unless the context otherwise requires:

(5) "Member" means an active employee who is a full-time salaried employee of a municipality, fire protection district, or county improvement district normally serving at least one thousand six hundred hours in any calendar year and whose duties are directly involved with the provision of police or fire protection, as certified by ~~his~~ THE MEMBER'S employer. The term also includes any former employee who is retired, ~~is~~ disabled, or ~~is~~ eligible for a benefit as provided in section 31-30-1011 (2), but the term does not include clerical or other personnel whose services are auxiliary to police or fire protection. "Member" does not include any volunteer ~~fireman~~ FIREFIGHTER, as such term is defined in section ~~31-30-803 (6)~~ 31-30-1102 (9). For

the purpose of eligibility for disability or survivor benefits, "member" includes any employee on an authorized leave of absence.

SECTION 14. 31-30-1004 (2) (a) (V), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-1004. Association - creation - board - organization. (2) (a) Effective September 1, 1981, the governing body of the association shall be a board of directors consisting of nine members appointed by the governor and confirmed by the senate as follows:

(V) One member of a board of directors of a special district or the full-time paid professional manager of a special district who shall represent special districts having volunteer ~~firemen~~ FIREFIGHTERS;

SECTION 15. 31-30-1005 (1) (k), (4), (7) (a) (II), and (8) (a) (I) (B), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

31-30-1005. Powers and duties of the board. (1) The board shall:

(k) Make agreements with governing bodies ~~which~~ THAT provide pension plans for volunteer ~~firemen~~ FIREFIGHTERS to administer such plans and manage the funds of such plans for investment.

(4) (a) The board shall provide for and determine the cost of a statewide accidental death and disability insurance policy to cover all ~~volunteers~~ VOLUNTEER FIREFIGHTERS serving in volunteer or paid and volunteer fire departments, the insurance to be applicable only when serving as a volunteer ~~fireman~~ FIREFIGHTER. The policy shall be paid for as provided in section ~~31-30-1014~~ 31-30-1112 from proceeds of the tax imposed by section 10-3-209, C.R.S.

(b) The board shall set the amount of coverage to be provided for each volunteer FIREFIGHTER, take competitive bids for the policy from insurers, and make such rules and regulations as may be necessary to provide for the policy.

(c) The insurer shall have sole power to determine disability for volunteer ~~firemen~~ FIREFIGHTERS under the policy provided by this subsection (4).

(d) ~~Local boards may provide accidental death and disability insurance coverage for their volunteer firemen in addition to, but not in lieu of, the policy provided for by this subsection (4).~~

(7) (a) The board may enter into contracts with carriers to provide group health insurance plans for the following individuals if they are receiving a benefit from another plan administered by the association:

(II) A retired volunteer ~~fireman~~ FIREFIGHTER;

(8) (a) (I) The board may enter into contracts with carriers to provide group life insurance coverage to active members of paid pension plans administered by the association and, if they are receiving a benefit from another plan administered by the

association, to the following individuals:

(B) A retired volunteer ~~fireman~~ FIREFIGHTER;

SECTION 16. 31-30-1012 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-1012. Fund - creation - management. (1) (a) There is hereby created the fire and police members' benefit fund, which shall consist of moneys of employers in the association and moneys of fire and police benefit plans, including member, employer, and any state contributions made pursuant to this part 10, fees collected, gifts received, unclaimed deposits, and investment income, together with the assets of funds established pursuant to part 3, 4, 5, 6, or ~~6~~ 11 of this article, of those employers not in the association electing to have their funds managed by the board, those employers electing affiliation as provided in section 31-30-1003 (3), and those volunteer ~~firemen's~~ FIREFIGHTER departments electing to have their funds administered and managed by the board pursuant to section 31-30-1005 (1) (k). The board shall keep an accurate account of each employer's AND DEPARTMENT'S fund and shall disburse moneys in accordance with the provisions of this part 10 AND PART 11 OF THIS ARTICLE.

SECTION 17. 31-30-1014 (4) (a) and (5), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 31-30-1014 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

31-30-1014. State contribution. (4) (a) After the disbursements made pursuant to ~~subsections~~ SUBSECTION (2) ~~and (3)~~ of this section, any moneys allocated for distribution remaining in the fund shall be distributed by the board annually to any employer having an accrued unfunded liability to assist in amortizing such accrued unfunded liability as determined in the report of the state auditor to the commission created by part 9 of this article, which report was submitted no later than September 1, 1978, or as updated by the state auditor. Moneys shall be credited to the various employers in proportion to the percentage of aggregate accrued unfunded liabilities each employer represents, but no money shall be distributed pursuant to this subsection (4) to an employer having rank escalation for members hired before April 8, 1978, which is not in the association. For the purposes of this subsection (4), "rank escalation" means the addition to the amount of the retirement pension or disability benefit being received of a fixed percentage of any increase in salary, as well as longevity or additional pay based on length of service, granted the rank a member occupied before retiring or being disabled.

(5) On September 30 of each year, the state treasurer shall transfer ~~twenty million dollars~~ from the proceeds of the tax imposed by section 10-3-209, C.R.S., to the fund created by section 31-30-1012, AN AMOUNT EQUAL TO TWENTY MILLION DOLLARS MINUS THE AMOUNT TRANSFERRED UNDER SECTION 31-30-1112 (2) (g) (I). However, on September 30, 1987, the amount transferred shall be five million five hundred thousand dollars and not twenty million dollars, which shall be used for the purposes set forth in ~~subsections~~ SUBSECTION (2) ~~and (3)~~ of this section AND FOR THE PURPOSE OF FUNDING VOLUNTEER FIREFIGHTER PENSION PLANS PROVIDED BY THIS ARTICLE. Such annual transfer to the fund shall cease when the requirements of paragraph (c) of subsection (4) of this section have been met, and the final annual transfer may be

in an amount less than twenty million dollars as determined from the total amount of accrued unfunded liability of employers described in the biennial report prepared pursuant to paragraph (d) of subsection (4) of this section. Moneys in said fund shall not revert to the general fund but shall be continuously available for the purposes provided in this part 10 AND PART 11 OF THIS ARTICLE.

(8) CONTRIBUTIONS TO A MUNICIPALITY, FIRE PROTECTION DISTRICT, OR COUNTY IMPROVEMENT DISTRICT IN THIS STATE THAT MAINTAINS A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT AND THAT OFFERS FIRE PROTECTION SERVICES SHALL BE MADE UNDER PART 11 OF THIS ARTICLE.

SECTION 18. 32-1-702 (4) (b) (I), Colorado Revised Statutes, as amended, is amended to read:

32-1-702. Requirements for dissolution petition. (4) The petition for dissolution shall also provide for one of the following:

(b) (I) A plan for dissolution specifically providing that services are to be continued within the special district by one or more regional service authorities, municipalities, counties, intergovernmental authorities formed and operated under part 2 of article 1 of title 29, C.R.S., or other special districts, or any combination thereof, and incorporating an agreement with such regional service authority, municipality, county, intergovernmental authority, or other special district, or any combination thereof, under which responsibility for all services presently provided by the special district will be assumed by such entity. Such agreement shall provide for the operation and maintenance of the system or facilities of the special district by the regional service authority, municipality, county, intergovernmental authority, or other special district, provisions for service, rates, and charges, and, if applicable, provisions concerning acquisition of the special district's system or facilities, consolidation or inclusion of territory, and procedures for contract modification, employee rights, and retirement benefits. Such agreement may include provisions for certification of levies by the special district continuing in existence under paragraph (c) of subsection (3) of this section, the contracting regional service authority, municipality, county, intergovernmental authority, or other special district providing the services. Any agreement concerning fire protection districts entered into pursuant to this subsection (4) shall include provisions for the continuation of paid employees' rights pursuant to section 32-1-1002 (2) and the retirement benefits of paid ~~and~~ ~~volunteer~~ firemen as provided in parts 4, 8, and 10 of article 30 of title 31, C.R.S., AND THE RETIREMENT BENEFITS OF VOLUNTEER FIREFIGHTERS UNDER PART 11 OF ARTICLE 30 OF TITLE 31, C.R.S.

SECTION 19. 32-1-1002 (1) (g), Colorado Revised Statutes, as amended, is amended to read:

32-1-1002. Fire protection districts - additional powers and duties. (1) In addition to the powers specified in section 32-1-1001, the board of any fire protection district has the following powers for and on behalf of such district:

(g) To create and maintain a PAID firemen's pension fund, under the provisions of parts 4 and 8 of article 30 of title 31, C.R.S., subject to the provisions of part 10 of said article, AND A VOLUNTEER FIREFIGHTER PENSION FUND UNDER PART 11 OF

ARTICLE 30 OF TITLE 31, C.R.S.;

SECTION 20. 31-30-405 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended by House Bill 95-1128, enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

31-30-405. State treasurer to pay over funds. (1) Moneys in said firefighters' pension fund shall be for the use and benefit of the members and their surviving spouses, dependent children, AND dependent parents, ~~and other beneficiaries~~ in accordance with the provisions of this part 4 and part 5 of this article.

SECTION 21. 31-30-415 (9), 1986 Repl. Vol., as amended by House Bill 95-1128, enacted at the First Regular Session of the Sixtieth General Assembly, is amended to read:

31-30-415. Insurance - fire department dissolution. (9) In the event of dissolution, for any reason, of fire departments whereby the services of firefighters or fire departments are discontinued, the firefighters or their surviving spouses, dependent parents, AND children, ~~and other beneficiaries~~ receiving benefits at the time of such dissolution shall continue to receive such benefits in accordance with the provisions of this part 4. Assets of the pension funds shall be transferred with other assets of the department and shall be administered by the board of trustees of the successor pension fund. In no event shall the rate of compensation be altered either after commencement of proceedings for dissolution has occurred or after its completion. After attaining fifty years of age, any firefighter having accrued ten or more years of active service at the time of such dissolution shall be granted an annuity, prorated in accordance with the number of years of service and the amount of annuity being paid for age and service pensions by the board of trustees of such pension fund at the time of such dissolution.

SECTION 22. Repeal. (1) 31-30-415 (1), (2), (3), and (8), 31-30-415.5, and 31-30-1014 (3) and (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are repealed.

(2) 31-30-415.3, as enacted by House Bill 95-1128, enacted at the First Regular Session of the Sixtieth General Assembly, is repealed.

(3) 31-30-415 (4), (5), (6), and (10), as amended by House Bill 95-1128, enacted at the First Regular Session of the Sixtieth General Assembly, are repealed.

SECTION 23. Applicability. (1) This act shall not affect the terms of members of the boards of trustees created to administer volunteer firemen's pension funds under part 4 of article 30 of title 31, Colorado Revised Statutes, as in effect on the day before the effective date of this act, in any municipality, fire protection district, or county improvement district in this state that maintains a regularly organized volunteer fire department. On and after the effective date of this act, these board members shall continue their terms and duties on the applicable boards of trustees of the volunteer firefighter pension funds under part 11 of article 30 of title 31, Colorado Revised Statutes, created in this act.

(2) This act shall not terminate or require transfers of moneys from volunteer

firemen's pension funds governed by part 4 of article 30 of title 31, C.R.S., in effect on the day before the effective date of this act. On and after the effective date of this act, these funds shall remain in effect and be governed by part 11 of article 30 of title 31, Colorado Revised Statutes, created in this act.

SECTION 24. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1995