

CHAPTER 64

GOVERNMENT - MUNICIPAL

SENATE BILL 97-166

BY SENATORS Chlouber and Powers;
also REPRESENTATIVES Miller, G. Berry, Epps, Lawrence, Mace, Morrison, Schwarz, Sullivant, Taylor, and Young.

AN ACT

CONCERNING BENEFITS PROVIDED TO RETIRED VOLUNTEER FIREFIGHTERS WHO RETURN TO ACTIVE SERVICE AS A VOLUNTEER FIREFIGHTER.

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

SECTION 1. Part 11 of article 30 of title 31, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

31-30-1132. Retired firefighter - return to active service - benefits. IF THE GOVERNING BODY OF ANY MUNICIPALITY, FIRE PROTECTION DISTRICT, OR COUNTY IMPROVEMENT DISTRICT, BY RESOLUTION, DETERMINES THAT A FIRE DEPARTMENT IS IN NEED OF ADDITIONAL VOLUNTEER FIREFIGHTERS, A RETIRED FIRE DEPARTMENT MEMBER SHALL BE ELIGIBLE TO SERVE AS AN ACTIVE VOLUNTEER FIREFIGHTER OF SUCH FIRE DEPARTMENT. ANY RETIRED FIRE DEPARTMENT MEMBER WHO, SUBSEQUENT TO RETIREMENT, SERVES AS AN ACTIVE VOLUNTEER FIREFIGHTER FOR A FIRE DEPARTMENT PURSUANT TO THIS SUBSECTION (1) SHALL CONTINUE TO RECEIVE PENSION BENEFITS FROM THE VOLUNTEER FIREFIGHTER PENSION FUND UNDER THIS ARTICLE DURING THE PERIOD IN WHICH THE PERSON IS AN ACTIVE VOLUNTEER FIREFIGHTER OF THE FIRE DEPARTMENT. DURING THE PERIOD SUCH PERSON IS RECEIVING A PENSION AND ACTING AS AN ACTIVE VOLUNTEER FIREFIGHTER PURSUANT TO THIS SECTION, SUCH PERSON SHALL NOT RECEIVE SERVICE CREDIT FOR THE PURPOSE OF INCREASING SUCH PENSION.

SECTION 2. 31-30-1122 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

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

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

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). EXCEPT AS PROVIDED IN SECTION 31-30-1132, 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.

SECTION 3. 8-40-202 (1) (a) (I) (A), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

8-40-202. Employee. (1) "Employee" means:

(a) (I) (A) Every person in the service of the state, or of any county, city, town, or irrigation, drainage, or school district or any other taxing district therein, or of any public institution or administrative board thereof under any appointment or contract of hire, express or implied; and every elective official of the state, or of any county, city, town, or irrigation, drainage, or school district or any other taxing district therein, or of any public institution or administrative board thereof; and every member of the military forces of the state of Colorado while engaged in active service on behalf of the state under orders from competent authority. ~~Police~~ ~~men~~ POLICE OFFICERS and ~~firemen~~ FIREFIGHTERS who are regularly employed shall be deemed employees within the meaning of this paragraph (a), as shall also sheriffs and deputy sheriffs, regularly employed, and all persons called to serve upon any posse in pursuance of the provisions of section 30-10-516, C.R.S., during the period of their service upon such posse, and all members of volunteer fire departments, including any person RECEIVING A RETIREMENT PENSION UNDER SECTION 31-30-1122, C.R.S., WHO SERVES AS AN ACTIVE VOLUNTEER FIREFIGHTER OF A FIRE DEPARTMENT SUBSEQUENT TO RETIREMENT PURSUANT TO SECTION 31-30-1132, C.R.S., OR ANY PERSON ordered by the chief or a designee of the chief's at the scene of an emergency or during the period of an emergency to become a member of that department for the duration of an emergency, and to perform the duties of a ~~fireman~~ FIREFIGHTER, and only if the person who is so ordered reports any claim within ten days of the cessation of the emergency, volunteer rescue teams or groups, volunteer disaster teams, volunteer ambulance teams or groups, and volunteer search teams in any county, city, town, municipality, or legally organized fire protection district or ambulance district in the state of Colorado, and all members of the civil air patrol, Colorado wing, while said persons are actually performing duties as volunteer ~~firemen~~ FIREFIGHTERS or as members of such volunteer rescue teams or groups, volunteer disaster teams, volunteer ambulance teams or groups, or volunteer search teams or as members of the civil air patrol, Colorado wing, and while engaged in organized drills, practice, or training necessary or proper for the performance of such duties. Members of volunteer police departments, volunteer police reserves, and volunteer police teams

or groups in any county, city, town, or municipality, while actually performing duties as volunteer police officers, may be deemed employees within the meaning of this paragraph (a) at the option of the governing body of such county or municipality.

SECTION 4. 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: March 28, 1997