

CHAPTER 19

GOVERNMENT - MUNICIPAL

HOUSE BILL 98-1035

BY REPRESENTATIVES Grampas, Dean, June, Mace, and Veiga;
also SENATORS Rizzuto, Congrove, Hernandez, Martinez, Phillips, and Rupert.

AN ACT

CONCERNING THE ELIMINATION OF A MAXIMUM BENEFIT AMOUNT FOR A RETIREMENT PENSION PAYABLE BY THE BOARD TO VOLUNTEER FIREFIGHTERS WHO HAVE TWENTY YEARS OF ACTIVE SERVICE AND WHO ARE OVER THE AGE OF FIFTY YEARS WHEN AN ACTUARIAL REVIEW INDICATES THAT A PAYMENT HIGHER THAN ONE HUNDRED DOLLARS IS ACTUARIALLY SOUND.

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

SECTION 1. 31-30-1120, Colorado Revised Statutes, is amended to read:

31-30-1120. Maximum benefit amount. Except as otherwise provided in ~~section 31-30-1129~~ SECTIONS 31-30-1122 AND 31-30-1129, a benefit provided in this part 11 must not exceed four hundred ~~and~~ fifty dollars per month.

SECTION 2. 31-30-1122 (1), Colorado Revised Statutes, 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 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.~~ EXCEPT THAT ANY SUCH AMOUNT DETERMINED BY THE BOARD OF A MUNICIPALITY SHALL BE MADE WITH THE PRIOR CONSENT OF THE MUNICIPALITY'S GOVERNING BODY. ANY HIGHER PAYMENT MADE PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO THE MAXIMUM BENEFIT AMOUNT CONTAINED 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

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

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. 31-30-1125 (2), Colorado Revised Statutes, is amended to read:

31-30-1125. Supplemental retirement pension. (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~~ AN amount ~~stated in section 31-30-1120~~ THAT IS ACTUARIALLY SOUND.

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 23, 1998