

## CHAPTER 10

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**GOVERNMENT - LOCAL**

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SENATE BILL 15-028

BY SENATOR(S) Balmer;  
also REPRESENTATIVE(S) Ginal, Court, Melton, Fields, Salazar, Williams.**AN ACT****CONCERNING REQUIREMENTS FOR EMPLOYEE PARTICIPATION IN A PLAN ADMINISTERED BY THE  
FIRE AND POLICE PENSION ASSOCIATION.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 31-31-401, **amend** (4) (a); and **add** (4) (c) as follows:

**31-31-401. Applicability of plan.** (4) (a) A department chief hired on or after April 8, 1978, shall be exempted from the statewide defined benefit plan, upon the execution of a written agreement between ~~such~~ THE department chief and the chief's employer THAT PROVIDES FOR THE DEPARTMENT CHIEF'S PARTICIPATION IN SOCIAL SECURITY OR IN A FEDERAL INSURANCE CONTRIBUTION ACT REPLACEMENT PLAN AS ALLOWED UNDER THE FEDERAL INTERNAL REVENUE CODE, and the submission of notice to the association. ~~Alternatively, A department chief with the agreement of the chief's employer, may elect coverage under~~ MAY SATISFY THE FEDERAL INSURANCE CONTRIBUTION ACT REPLACEMENT PLAN REQUIREMENT BY PARTICIPATING IN AN EMPLOYER SPONSORED PLAN, the statewide money purchase plan, OR THE STATEWIDE HYBRID PLAN. The transfer of member and employer contributions between the statewide defined benefit plan and the statewide money purchase plan shall be consistent with the provisions of section 31-31-501.

(c) A DEPARTMENT CHIEF EXEMPTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) MAY MAINTAIN COVERAGE FOR DISABILITY AND SURVIVOR BENEFITS UNDER PART 8 OF THIS ARTICLE IF THE DEPARTMENT CHIEF PARTICIPATES IN THE STATEWIDE MONEY PURCHASE PLAN, THE STATEWIDE HYBRID PLAN, OR A LOCAL MONEY PURCHASE PLAN THAT IS QUALIFIED UNDER SECTION 401(a) OF THE FEDERAL INTERNAL REVENUE CODE AND THAT HAS A CONTRIBUTION RATE OF NOT LESS THAN SIXTEEN PERCENT.

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

**SECTION 2.** In Colorado Revised Statutes, **amend** 31-31-704.7 as follows:

**31-31-704.7. Participation in statewide death and disability plan.** (1) Any employer participating in the social security supplemental plan created pursuant to section 31-31-704.6 may also elect coverage under the statewide death and disability plan by filing with the board a resolution to that effect from the governing body of such employer.

(2) ANY SOCIAL SECURITY EMPLOYER THAT OFFERS COVERAGE UNDER THE STATEWIDE DEATH AND DISABILITY PLAN MUST ALSO PARTICIPATE IN THE SOCIAL SECURITY SUPPLEMENTAL RETIREMENT PLAN CREATED PURSUANT TO SECTION 31-31-704.6. COVERAGE UNDER THE STATEWIDE DEATH AND DISABILITY PLAN FOR ANY SOCIAL SECURITY EMPLOYER NOT PARTICIPATING IN THE SOCIAL SECURITY SUPPLEMENTAL RETIREMENT PLAN MAY BE TERMINATED BY THE BOARD ON OR AFTER JANUARY 1, 2017.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 13, 2015