

CHAPTER 81

GOVERNMENT - MUNICIPAL

HOUSE BILL 93-1204

BY REPRESENTATIVES Dyer and Ratterree;
also SENATOR Tebedo.

AN ACT**CONCERNING LOCAL AUTHORITY TO CONSTITUTE OLD HIRE PENSION BOARDS.**

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

SECTION 1. 31-30-304, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

31-30-304. Personnel of board. The board of trustees of said policemen's pension fund shall consist, except as provided in section 31-30-305, of the mayor, the municipal treasurer, the clerk, and one member of the police department who shall be elected by that department; EXCEPT THAT, IF THERE ARE NO MEMBERS OF THE POLICE DEPARTMENT AVAILABLE OR WILLING TO SERVE ON SUCH BOARD, SUCH BOARD SHALL CONSIST OF THE MAYOR, THE MUNICIPAL TREASURER, AND THE CLERK. Said board shall elect from its members a president and a secretary. The municipal treasurer shall be ex officio treasurer of said board and administer the funds provided for in this part 3. Said board shall serve without salary.

SECTION 2. 31-30-402 (1) and (2), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

31-30-402. Trustees - treasurer. (1) (a) In any municipality the board shall consist, except as provided in PARAGRAPH (b) OF THIS SUBSECTION (1) AND IN section 31-30-403, of the mayor, the municipal treasurer or finance officer, one other person appointed by the governing body of such municipality, and three members of the entire membership of all classes of fire departments serving the municipality who are participating by accruing benefits in the fund and who shall be elected by the members of such fire departments. The terms of office on the board shall be: THE mayor of the municipality, during his tenure in office; THE treasurer or finance officer, during his tenure in office; the appointed citizen, to be designated by the governing body of the municipality at time of appointment; the three members of the

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

fire departments, to be elected for terms of three years, but at the initial election to be conducted to elect members of fire departments, one member shall be elected for a three-year term, one member for a two-year term, and one member for a one-year term. Thereafter, such members shall be elected for three-year terms. Said board shall elect from its number a president and secretary. The municipal treasurer or finance officer shall be ex officio treasurer of said board.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), ANY MUNICIPALITY, WITH THE CONCURRENCE OF A MAJORITY OF THE MEMBERS VOTING THEREON ACCRUING BENEFITS IN THE FUND AND A MAJORITY OF THE RETIRED MEMBERS VOTING THEREON WHO ARE RECEIVING PENSION BENEFITS FROM THE FUND, MAY BY ORDINANCE CREATE THE BOARD TO ADMINISTER THE FUND, PROVIDED THAT THE NUMBER OF EMPLOYER REPRESENTATIVES ON SUCH BOARD EQUALS THE NUMBER OF MEMBER REPRESENTATIVES ON SUCH BOARD; EXCEPT THAT, IF FEWER THAN TWO MEMBERS ARE AVAILABLE OR WILLING TO SERVE ON SUCH BOARD, THE NUMBER OF EMPLOYER REPRESENTATIVES MAY EXCEED THE NUMBER OF MEMBER REPRESENTATIVES.

(2) (a) In fire protection districts, EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), the board shall consist of the board of directors of the fire protection district, THE treasurer of the board of the fire protection district to be treasurer of the fund, and two members of the fire department. The trustees shall serve terms of office on the board as follows: The president for the term of office, THE treasurer for tenure in office, and two firemen for two-year terms of office. Initial election of the members of the fire department shall be conducted to elect one member for two years and one member for one year. The treasurer of the fund shall be required to supply bond in an amount designated by the board of trustees of the fund and paid for by the fund.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), ANY FIRE PROTECTION DISTRICT, WITH THE CONCURRENCE OF A MAJORITY OF THE MEMBERS VOTING THEREON ACCRUING BENEFITS IN THE FUND AND A MAJORITY OF THE RETIRED MEMBERS VOTING THEREON WHO ARE RECEIVING PENSION BENEFITS FROM THE FUND, MAY BY RESOLUTION CREATE THE BOARD TO ADMINISTER THE FUND, PROVIDED THAT THERE SHALL BE AT LEAST TWO MEMBER REPRESENTATIVES INCLUDED ON SUCH BOARD; EXCEPT THAT, IF FEWER THAN TWO MEMBERS ARE AVAILABLE OR WILLING TO SERVE ON SUCH BOARD, THERE MAY BE ONE OR NO MEMBER REPRESENTATIVES ON SUCH BOARD.

SECTION 3. 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: April 7, 1993