

CHAPTER 73

GOVERNMENT - MUNICIPAL

HOUSE BILL 97-1213

BY REPRESENTATIVES Salaz, Epps, and Mace;
also SENATORS Wattenberg, Hernandez, Rizzuto, and Weddig.

AN ACT

CONCERNING AUTHORIZATION FOR THE BOARD OF THE FIRE AND POLICE PENSION ASSOCIATION TO
CREATE A SUPPLEMENTAL DISABILITY BENEFIT PROGRAM FOR MEMBERS OF THE ASSOCIATION.

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

SECTION 1. 31-31-803 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-31-803. Retirement for disability. (1) Any member hired before, on, or after April 7, 1978, who is not eligible for the normal retirement pension described in section 31-31-403 or a local defined benefit retirement pension selected pursuant to section 31-31-704 (3) or provided pursuant to article 30.5 of this title, whichever is applicable, and who becomes totally disabled, as defined in section 31-31-801 (4), shall be retired from active service for disability and shall be eligible to receive the disability benefit provided by this subsection (1) or section 31-31-806.5. The annual disability benefit for total disability for such member shall be forty percent of the annual base salary paid to such member immediately preceding retirement for disability, which shall be increased by:

(c) TEN PERCENT OR TWENTY PERCENT OF THE ANNUAL BASE SALARY DEPENDING ON THE LEVEL OF BENEFIT ELECTED BY A MEMBER PARTICIPATING IN THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM DESCRIBED IN SECTION 31-31-803.5.

SECTION 2. 31-31-803 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-31-803. Retirement for disability. (2) Any member who is not eligible for the normal retirement pension described in section 31-31-403 or a local defined benefit retirement pension selected pursuant to section 31-31-704 (3) or provided

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

pursuant to article 30.5 of this title, whichever is applicable, and who becomes occupationally disabled, as defined in section 31-31-801 (3), shall be retired from active service for such time as the occupational disability continues and shall be eligible to receive the disability benefit provided by this subsection (2) or section 31-31-806.5. The annual disability benefit for occupational disability for such member shall be thirty percent of the annual base salary paid to such member immediately preceding retirement for disability, which shall be increased by:

(c) TEN PERCENT OR TWENTY PERCENT OF THE ANNUAL BASE SALARY DEPENDING ON THE LEVEL OF BENEFIT ELECTED BY A MEMBER PARTICIPATING IN THE SUPPLEMENTAL DISABILITY PROGRAM DESCRIBED IN SECTION 31-31-803.5.

SECTION 3. Part 8 of article 31 of title 31, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

31-31-803.5. Supplemental disability benefit program. (1) THE BOARD MAY ESTABLISH A SUPPLEMENTAL DISABILITY BENEFIT PROGRAM THAT PROVIDES ADDITIONAL DISABILITY BENEFITS TO MEMBERS WHO PARTICIPATE IN SUCH PROGRAM AND WHO ARE RETIRED FOR DISABILITY PURSUANT TO SECTION 31-31-803 OR SECTION 31-31-806.5. ANY SUPPLEMENTAL DISABILITY BENEFIT PROGRAM ESTABLISHED PURSUANT TO THIS SUBSECTION (1) SHALL MEET THE FOLLOWING REQUIREMENTS:

(a) THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM SHALL PERMIT A MEMBER TO ELECT TO PARTICIPATE IN SUCH PROGRAM PRIOR TO THE MEMBER'S COMMENCEMENT OF EMPLOYMENT WITH AN EMPLOYER OR DURING OPEN ENROLLMENT PERIODS ESTABLISHED BY THE BOARD AND TO DISCONTINUE SUCH PARTICIPATION AT ANY TIME UPON NOTICE TO THE ASSOCIATION. AN OPEN ENROLLMENT PERIOD SHALL NOT BE PERMITTED ANY MORE FREQUENTLY THAN EVERY TWO YEARS. REENROLLMENT IN SUCH PROGRAM SHALL BE PERMITTED ONLY DURING AN OPEN ENROLLMENT PERIOD.

(b) THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM SHALL PERMIT A PARTICIPATING MEMBER TO ELECT BETWEEN TWO LEVELS OF SUPPLEMENTAL BENEFITS PROVIDING AN ADDITIONAL TEN PERCENT OR TWENTY PERCENT OF THE MEMBER'S ANNUAL BASE SALARY;

(c) THE COST OF FUNDING THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM SHALL BE BY CONTRIBUTIONS MADE BY PARTICIPATING MEMBERS AT A RATE TO BE DETERMINED AS A PERCENTAGE OF THE MEMBER'S BASE SALARY PURSUANT TO THE BIENNIAL ACTUARIAL VALUATION REQUIRED BY SECTION 31-31-811 (2) (b) (II). THE CONTRIBUTION RATE SHALL BE ADJUSTED EVERY TWO YEARS IN ORDER TO REFLECT CHANGES IN THE COST OF SUCH PROGRAM DETERMINED BY THE BIENNIAL ACTUARIAL VALUATION.

(d) THE FULL COST OF FUNDING THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM FOR A MEMBER SHALL BE PAYABLE BY THE PARTICIPATING MEMBER. PAYMENTS SHALL BE MADE IN THE SAME MANNER AS PAYMENTS REQUIRED PURSUANT TO SECTION 31-31-811 (4).

(e) THE BENEFITS PROVIDED PURSUANT TO THE SUPPLEMENTAL DISABILITY BENEFIT

PROGRAM SHALL BE ELIGIBLE FOR ANNUAL COST-OF-LIVING ADJUSTMENTS PERMITTED BY SECTION 31-31-407. THE COST OF FUNDING SUCH ADJUSTMENTS SHALL BE INCLUDED IN DETERMINING THE CONTRIBUTION REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (1).

(f) A MEMBER MUST BE ENROLLED IN THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM AT THE TIME THE MEMBER APPLIES FOR DISABILITY BENEFITS IN ORDER TO RECEIVE BENEFITS PAYABLE UNDER SUCH PROGRAM;

(g) A MEMBER ENROLLED IN THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM WILL NOT BE ELIGIBLE FOR BENEFITS PAYABLE UNDER SUCH PROGRAM IF THE MEMBER'S DISABILITY IS THE PROXIMATE CONSEQUENCE OR RESULT OF A MEDICAL CONDITION THAT EXISTED AT THE TIME THE MEMBER ENROLLED IN SUCH PROGRAM.

(2) IF A MEMBER WHO IS RETIRED FOR DISABILITY AND ELIGIBLE FOR BENEFITS UNDER THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM ELECTS AN OPTIONAL FORM OF PAYMENT PURSUANT TO SECTION 31-31-803 (5) (a), THE BENEFITS PAYABLE UNDER THE PROGRAM SHALL BE INCLUDED IN DETERMINING SUCH OPTIONAL PAYMENT AMOUNT.

(3) THE REDUCTIONS TO DISABILITY BENEFITS DESCRIBED IN SECTION 31-31-804 SHALL NOT APPLY TO BENEFITS PAYABLE UNDER THE SUPPLEMENTAL DISABILITY BENEFIT PROGRAM.

(4) THE BOARD SHALL PROMULGATE SUCH RULES AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

SECTION 4. 31-31-806.5 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

31-31-806.5. Disability benefits - on-duty. (2) If the board determines that a member, who is otherwise eligible to apply for disability retirement benefits under section 31-31-803, is required to terminate the member's regular employment due to an occupational disability, as defined in section 31-31-801 (3), that is the result of an injury received while performing official duties or an occupational disease arising out of and in the course of the member's employment, the member is eligible for a disability benefit in an amount provided for in ~~section 31-31-803 (2) (a)~~ SECTION 31-31-803 (2).

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 6, 1997