

CHAPTER 7

GOVERNMENT - STATE

HOUSE BILL 99-1062

BY REPRESENTATIVES Berry, Dean, Gagliardi, Gotlieb, Hagedorn, Hefley, Kaufman, Larson, McKay, Paschall, Ragsdale, Tapia, Vigil, and S. Williams;
also SENATORS Reeves, Feeley, Epps, Hernandez, Linkhart, Nichol, Pascoe, Phillips, Powers, Rupert, and Tebedo.

AN ACT

CONCERNING THE AMOUNT OF BENEFITS PAID TO MEMBERS OF THE STATEWIDE DEATH AND DISABILITY PLAN WHO BECOME TOTALLY DISABLED WHILE A MEMBER OF THE FIRE AND POLICE PENSION ASSOCIATION.

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

SECTION 1. 31-31-803 (1), Colorado Revised Statutes, is amended to read:

31-31-803. Retirement for disability. (1) (a) 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 NORMAL annual disability benefit for total disability for such member shall be ~~forty~~ SEVENTY percent of the annual base salary paid to such member immediately preceding retirement for disability, which shall be increased by 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.

~~(a) Ten percent of the annual base salary if such member had a spouse at the time of becoming totally disabled, for so long as such spouse survives and is married to such member or legally entitled to maintenance from such member;~~

~~(b) Ten percent of the annual base salary if such member has any dependent children;~~

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

(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.~~

(b) NOTWITHSTANDING SUBSECTION (5) OF THIS SECTION, A MEMBER ELIGIBLE FOR THE NORMAL ANNUAL DISABILITY BENEFIT FOR TOTAL DISABILITY MAY ELECT TO RECEIVE ONE OF THE FOLLOWING DISABILITY BENEFIT OPTIONS IN LIEU OF THE NORMAL ANNUAL DISABILITY BENEFIT PROVIDED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1):

(I) OPTION 1. A REDUCED ANNUAL DISABILITY BENEFIT PAYABLE TO THE MEMBER AND, UPON THE MEMBER'S DEATH, ALL OF SUCH REDUCED ANNUAL DISABILITY BENEFIT TO BE PAID TO THE MEMBER'S DESIGNATED BENEFICIARY FOR LIFE;

(II) OPTION 2. A REDUCED ANNUAL DISABILITY BENEFIT PAYABLE TO THE MEMBER AND, UPON THE MEMBER'S DEATH, ONE-HALF OF SUCH REDUCED ANNUAL DISABILITY BENEFIT TO BE PAID TO THE MEMBER'S DESIGNATED BENEFICIARY FOR LIFE; OR

(III) OPTION 3. A REDUCED ANNUAL DISABILITY BENEFIT PAYABLE TO THE MEMBER AND, UPON THE MEMBER'S DEATH, ALL OF SUCH REDUCED ANNUAL DISABILITY BENEFIT TO BE PAID TO THE MEMBER'S SURVIVING SPOUSE AND DEPENDENT CHILDREN, IF ANY, UNTIL THE DEATH OF THE SURVIVING SPOUSE OR UNTIL THE YOUNGEST CHILD REACHES TWENTY-THREE YEARS OF AGE, WHICHEVER IS LATER.

(c) A MEMBER SHALL BE DEEMED TO HAVE ELECTED OPTION 3 SPECIFIED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (1) IF THE MEMBER IS ELIGIBLE FOR A BENEFIT FOR TOTAL DISABILITY UNDER THIS SUBSECTION (1), IS SURVIVED BY A SPOUSE OR DEPENDENT CHILD, AND DIES BEFORE MAKING AN ELECTION ALLOWED UNDER PARAGRAPH (b) OF THIS SUBSECTION (1).

(d) NOTWITHSTANDING SUBSECTION (5) OF THIS SECTION, A MEMBER RECEIVING A DISABILITY BENEFIT UNDER THIS SUBSECTION (1) AS OF JANUARY 1, 2000, MAY ELECT A DIFFERENT DISABILITY BENEFIT OPTION UNDER PARAGRAPH (b) OF THIS SUBSECTION (1) ONCE WITHIN NINETY DAYS OF RECEIVING WRITTEN NOTICE FROM THE BOARD OF THE OPPORTUNITY TO ELECT A DIFFERENT DISABILITY BENEFIT OPTION. THE BOARD MAY PROMULGATE RULES TO IMPLEMENT AND ADMINISTER THIS PARAGRAPH (d).

SECTION 2. Effective date - applicability. (1) This act shall take effect January 1, 2000, unless a referendum petition is filed during 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. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then this 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.

(2) The provisions of this act shall apply to all members of the fire and police pension association receiving or eligible to receive benefits provided by the statewide death and disability plan on or after the effective date of this act.

Approved: March 5, 1999