

CHAPTER 160

GOVERNMENT - MUNICIPAL

HOUSE BILL 02-1036

BY REPRESENTATIVE(S) Plant, Mace, Cadman, Cloer, Coleman, Groff, Grossman, Jahn, Marshall, Romanoff, Sanchez, Veiga, Vigil, and Williams S.;
also SENATOR(S) Phillips, Chlouber, Entz, Epps, Fitz-Gerald, Hanna, Isgar, Matsunaka, Nichol, Pascoe, Tate, Taylor, Thiebaut, and Windels.

AN ACT**CONCERNING STATE CONTRIBUTIONS TO VOLUNTEER FIREFIGHTER PENSION PLANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 31-30-1112 (2) (a), (2) (b), (2) (c), (2) (c.5), (2) (d), (2) (e), and (2) (f), Colorado Revised Statutes, are amended to read:

31-30-1112. State contributions - intent. (2) (a) ~~Except as otherwise provided in paragraphs (b), (c), and (c.5) of this subsection (2),~~ State contributions to any municipality or district must equal ninety percent of all amounts levied, appropriated, and contributed by the municipality or district under section 31-30-1110, but, NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 11, the state contribution shall not exceed one-half mill on the current valuation for assessment of the municipality or district assuming one hundred percent collection.

(b) ~~Notwithstanding paragraph (a) of this subsection (2),~~ A municipality or district that was levying an amount equal to or less than one-half mill before July 1, 1993, and that subsequently increases its mill levy, appropriation, or contribution NECESSARY to pay volunteer firefighter pensions in excess of three hundred dollars per month shall receive state contributions under paragraph (a) of this subsection (2) IN AN AMOUNT NOT TO EXCEED ONE-HALF MILL ON THE CURRENT VALUATION FOR ASSESSMENT OF THE MUNICIPALITY OR DISTRICT ASSUMING ONE HUNDRED PERCENT COLLECTION BUT based upon the greater of:

(I) The mill levy, appropriation, or contribution that would be ACTUARIALLY required to be levied to pay a pension of three hundred dollars per month, as

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

determined by the municipality or district; or

(II) ~~The mill levy, appropriation, or ACTUAL contribution before~~ RECEIVED BY the ~~increase~~ DISTRICT DURING THE CALENDAR YEAR 2001.

~~(c) Notwithstanding paragraph (a) of this subsection (2), a municipality or district that was levying an amount equal to or less than one-half mill before July 1, 1995, and that subsequently increases its mill levy, appropriation, or contribution to pay a short-term disability monthly annuity pursuant to section 31-30-1121 in excess of one hundred and fifty dollars per month, to pay a retirement pension pursuant to section 31-30-1123 in excess of two hundred dollars per month, to pay survivor benefits pursuant to section 31-30-1127 in excess of one hundred and fifty dollars per month, or to pay funeral benefits pursuant to section 31-30-1129 in excess of one hundred dollars shall receive state contributions under paragraph (a) of this subsection (2) based upon the greater of:~~

~~(f) The mill levy, appropriation, or contribution that would be required to be levied to pay the benefits at the amounts stated in this paragraph (c), as determined by the municipality or district; or~~

~~(H) The mill levy, appropriation, or contribution before the increase.~~

~~(c.5) Notwithstanding paragraph (a) of this subsection (2), a municipality or district that was levying an amount equal to or less than one-half mill before July 1, 1997, and that subsequently increases its mill levy, appropriation, or contribution to pay volunteer firefighter postretirement pension increases pursuant to section 31-30-1122 (3) shall receive state contributions under paragraph (a) of this subsection (2) based upon the mill levy, appropriation, or contribution that would be required to be levied to pay a pension of three hundred dollars per month, as determined by the municipality or district.~~

~~(d) The board in any municipality or district shall not increase benefits above the FOLLOWING amounts stated in paragraph (b) or (c) of this subsection (2) unless the increase is approved by the governing body of the municipality or district and an actuarial review indicates a higher payment is actuarially sound: When the board in any municipality or district increases benefits above the amounts stated in paragraph (b) or (c) of this subsection (2), the board shall submit an actuarial study to the fire and police pension association that certifies that portion of the municipality's or district's mill levy, appropriation, or contribution to its fund that, pursuant to the provisions of this section, is to be used as the basis for calculating the state's matching contribution. The study shall be completed in accord with generally accepted actuarial principles and signed by a qualified actuary.~~

~~(I) FOR VOLUNTEER FIREFIGHTER PENSIONS, THREE HUNDRED DOLLARS PER MONTH;~~

~~(II) FOR A SHORT-TERM DISABILITY MONTHLY ANNUITY PURSUANT TO SECTION 31-30-1121, ONE HUNDRED FIFTY DOLLARS PER MONTH;~~

~~(III) FOR A RETIREMENT PENSION PURSUANT TO SECTION 31-30-1123, TWO HUNDRED DOLLARS PER MONTH;~~

(IV) FOR SURVIVOR BENEFITS PURSUANT TO SECTION 31-30-1127, ONE HUNDRED FIFTY DOLLARS PER MONTH; OR

(V) FOR FUNERAL BENEFITS PURSUANT TO SECTION 31-30-1129, ONE HUNDRED DOLLARS.

(e) In no event shall a municipality or district receive less than ~~five hundred~~ ONE THOUSAND dollars if the municipality or district contributes to its fund a sum equal to the proceeds of a levy of one-half mill on the current valuation for assessment of the municipality or district.

(f) ~~In calculating the contribution by the state provided in this section, the cash equivalent of the death and disability benefit under part 8 of article 31 of this title for each municipality or district having members shall be subtracted. If the death and disability benefit is equal to or greater than the amount scheduled to be contributed to the municipality or district, the fire and police pension association shall not make a contribution, and the state payment of death and disability benefits shall be in lieu of any contribution previously made to the municipality or district. For the purposes of this paragraph (f), "member" has the meaning provided in section 31-31-102 (4).~~

SECTION 2. 31-30-1126 (4), Colorado Revised Statutes, is amended to read:

31-30-1126. Survivor benefit. (4) The benefits under this section may be increased in the same manner as postretirement benefit increases as provided in section 31-30-1122 (3), subject to the state contribution limit set forth in ~~section 31-30-1112 (2) (e.5)~~ SECTION 31-30-1112 (2).

SECTION 3. 31-30-1127 (4) (c), Colorado Revised Statutes, is amended to read:

31-30-1127. Survivor benefit - death from injuries in the line of duty.
(4) The benefits under this section:

(c) May be increased in the same manner as postretirement benefit increases as provided in section 31-30-1122 (3), subject to the state contribution limit set forth in ~~section 31-30-1112 (2) (e.5)~~ SECTION 31-30-1112 (2).

SECTION 4. Appropriation - adjustment to 2002 long bill. (1) For implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2002, to the department of treasury, fire and police pension association, volunteer firefighter retirement plans, is hereby increased by three thousand dollars (\$3,000), or so much thereof as may be necessary, for the implementation of this act.

(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of HB 02-1241, as enacted during the second regular session of the sixty-third general assembly.

SECTION 5. Effective date. (1) This act shall take effect July 1, 2002; except that the provision of Section 1 of this act that amends Section 31-30-1112 (2) (e), Colorado Revised Statutes, and Section 4 of this act shall only take effect if:

(a) The final fiscal estimate for HB 02-1241, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the general fund costs shown in section 4 of this act; and

(b) House Bill 02-1241 is enacted during the second regular session of the sixty-third general assembly and becomes law.

SECTION 6. 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: May 24, 2002