

CHAPTER 69

**GOVERNMENT - MUNICIPAL**

**HOUSE BILL 03-1009**

BY REPRESENTATIVE(S) Fritz, Cadman, Rhodes, Coleman, Frangas, Groff, Hodge, Jahn, Madden, Marshall, Miller, Paccione, Plant, Romanoff, Rose, Sanchez, Stafford, and Williams S.; also SENATOR(S) Hanna, Phillips, Chlouber, Entz, Hagedorn, Isgar, Linkhart, Nichol, and Taylor.

**AN ACT**

**CONCERNING A STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN FOR POLICE OFFICERS AND FIREFIGHTERS.**

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

**SECTION 1.** 31-31-301 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**31-31-301. Fund - creation.** (1) (a) There is hereby created the fire and police members' benefit fund, which shall consist of assets of the following fire and police benefit plans, including member contributions, employer contributions, any state contributions, fees collected, gifts received, unclaimed deposits, and investment income:

(V) THE STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN ESTABLISHED IN SECTION 31-31-904.

**SECTION 2.** Part 9 of article 31 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**31-31-904. Statewide health care defined benefit plan - definitions.** (1) THE BOARD MAY DEVELOP, MAINTAIN, AND AMEND A STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN, INCLUDING A PLAN DOCUMENT, THAT COMPLIES WITH THE QUALIFICATION REQUIREMENTS SPECIFIED UNDER THE INTERNAL REVENUE CODE, AS APPLICABLE TO GOVERNMENTAL PLANS. THE PURPOSE OF SUCH PLAN SHALL BE TO PROVIDE A DEFINED BENEFIT TO ASSIST IN PAYING FOR THE COSTS OF HEALTH CARE FOR EACH RETIRED ELIGIBLE MEMBER.

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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.*

(2) THE BOARD MAY CONDUCT AN ELECTION OF ALL ELIGIBLE MEMBERS FOR THE PURPOSE OF DETERMINING WHETHER THE ELIGIBLE MEMBERS WANT TO PARTICIPATE IN THE STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION. IF SIXTY-FIVE PERCENT OF ALL ELIGIBLE MEMBERS VOTE IN FAVOR OF PARTICIPATING IN THE PLAN, ALL ELIGIBLE MEMBERS SHALL BE REQUIRED TO PARTICIPATE IN SUCH PLAN, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION.

(3) THE BOARD SHALL CERTIFY THE RESULTS OF THE ELECTION HELD PURSUANT TO SUBSECTION (2) OF THIS SECTION, INCLUDING THE VOTE TOTAL FOR THE ELIGIBLE MEMBERS OF EACH EMPLOYER. THE BOARD SHALL MAIL A COPY OF THE CERTIFICATION TO EACH EMPLOYER WITHIN TEN DAYS AFTER THE CERTIFICATION. IF LESS THAN A MAJORITY OF AN EMPLOYER'S ELIGIBLE MEMBERS VOTE IN FAVOR OF PARTICIPATING IN THE STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN, THE EMPLOYER, ON BEHALF OF ITS ELIGIBLE MEMBERS, MAY ELECT NOT TO PARTICIPATE IN THE PLAN. SUCH ELECTION BY THE EMPLOYER MUST BE MADE WITHIN NINETY DAYS AFTER THE CERTIFICATION OF THE ELECTION RESULTS BY THE BOARD.

(4) CONTRIBUTIONS TO THE STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN SHALL BE THE RESPONSIBILITY OF THE ELIGIBLE MEMBERS, UNLESS AN ELIGIBLE MEMBER'S EMPLOYER ELECTS TO PAY ALL OR A PORTION OF HIS OR HER CONTRIBUTION. ALL OF THE CONTRIBUTIONS SHALL BE CREDITED TO THE FIRE AND POLICE MEMBERS' BENEFIT FUND.

(5) THE BOARD SHALL ADMINISTER THE STATEWIDE HEALTH CARE DEFINED BENEFIT PLAN ON AN ACTUARIALLY SOUND BASIS. NEITHER THE STATE NOR ANY EMPLOYER SHALL BE LIABLE FOR ANY UNFUNDED ACCRUED LIABILITY OF THE PLAN.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELIGIBLE MEMBER" MEANS EACH MEMBER WHO PARTICIPATES IN A STATEWIDE RETIREMENT PLAN ADMINISTERED BY THE BOARD PURSUANT TO THIS TITLE.

(b) "INTERNAL REVENUE CODE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 31-31-409 (1).

**SECTION 3. 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.

Became Law: March 25, 2003