

## CHAPTER 34

---

**GOVERNMENT - MUNICIPAL**


---

**SENATE BILL 05-008**

BY SENATOR(S) Evans, Grossman, Hanna, Taylor, and Tochtrop;  
also REPRESENTATIVE(S) Plant, Rose, Berens, Butcher, Madden, McFadyen, and Stafford.

**AN ACT**

**CONCERNING THE EXPANSION OF AUTHORITY FOR RETIRED OLD HIRE MEMBERS OF FIREFIGHTERS' AND POLICE OFFICERS' OLD HIRE PENSION PLANS TO BE INVOLVED IN THE ADMINISTRATION OF SUCH PLANS.**

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

**SECTION 1.** 31-30.5-202 (2), (3) (b), (4), and (5), Colorado Revised Statutes, are amended to read:

**31-30.5-202. Board of trustees - firefighters' old hire pension fund.** (2) In any municipality having a population of less than one hundred thousand, the board shall consist, except as provided in subsection (6) of this section, of the mayor, the municipal treasurer or finance officer, one other person appointed by the governing body of such municipality, and three active or retired old hire members of the fire department serving the municipality who shall be elected by the active AND RETIRED old hire members of ~~such~~ THE fire department. The terms of office on the board shall be: The mayor of the municipality, during tenure in office; the treasurer or finance officer, during tenure in office; the appointed citizen, to be designated by the governing body of the municipality at time of appointment; the three ACTIVE OR RETIRED old hire members of the fire department, to be elected for terms of three years, but at the initial election to be conducted to elect old hire members of the fire department, one old hire member shall be elected for a three-year term, one old hire member for a two-year term, and one old hire member for a one-year term. Thereafter, such old hire 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 the board.

(3) (b) During the month of July in each year, the chief officer of the fire department shall conduct an election by secret ballot, at which election all active AND

---

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

RETIRED old hire members of the fire department shall be eligible to vote, for the purpose of determining membership on the board. In the first election so held, two old hire members shall be elected, the member receiving the highest number of votes being elected for a term of two years and the member receiving the next highest number of votes being elected for a term of one year. Upon election, such members shall be certified as members of the board and shall take office on the August 1 following their election. In subsequent elections, only one old hire member shall be elected for a term of two years, and the member receiving the highest number of votes in each subsequent election shall be certified as a member of the board and shall take office on the August 1 following the member's election. In case any old hire member so elected to the board becomes unable or ineligible to serve on the board by reason of death, disability, ~~or retirement~~ or for any other cause, a special board election shall be held to fill the vacancy so created for the remainder of the unexpired term.

(4) In fire protection districts, except as provided in subsection (6) of this section, 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 active OR RETIRED old hire 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 active OR RETIRED old hire members for two-year terms of office. Initial election of the old hire members of the fire department shall be conducted to elect one old hire member for two years and one old hire member for one year.

(5) In county improvement districts, the board shall consist of one member of the governing board of the county in which the district is located, the county treasurer or finance officer, three residents of the county obligated to pay real or personal property taxes, and two active OR RETIRED old hire members of the fire department. The trustees shall serve terms of office on the board as follows: Members of the governing board, during their tenure in office; the county treasurer, during the treasurer's tenure in office; and the two ACTIVE OR RETIRED old hire members of the fire department for two-year terms of office.

**SECTION 2.** 31-30.5-210 (2), Colorado Revised Statutes, is amended to read:

**31-30.5-210. Plan amendment.** (2) Upon the request of an employer and with the approval of sixty-five percent of the active AND RETIRED old hire members, the board of directors of the fire and police pension association established pursuant to section 31-31-201 (1), shall permit the modification of any provision of an old hire pension plan established pursuant to this article, if the board determines that such modification will maintain or enhance the actuarial soundness, as defined in section 31-31-102 (1), of such fund. In addition, upon the request of an employer, the board shall permit the modification of any provision of an old hire pension plan necessary to comply with state or federal law. Such modification may be made without the approval of the active AND RETIRED old hire members. This subsection (2) shall not be construed to authorize the board to allow a modification of any such old hire plan so as to change the nature of the plan from a defined benefit plan to a money purchase plan or to adversely affect the pension benefits of ACTIVE OR retired old hire members.

**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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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 5, 2005