

CHAPTER 68

**GOVERNMENT - MUNICIPAL**

SENATE BILL 13-080

BY SENATOR(S) Tochtrop, King S., Morse;  
also REPRESENTATIVE(S) Peniston, Duran, Labuda, Waller, Exum, Fields, Ginal, Hullinghorst, Lebsack, Young.

**AN ACT**

**CONCERNING LIMITATION ON THE LIABILITY OF THE FIRE AND POLICE PENSION ASSOCIATION IF AN EMPLOYER FAILS TO PROPERLY ENROLL AN EMPLOYEE IN A PLAN.**

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

**SECTION 1.** In Colorado Revised Statutes, 31-31-401, **add** (6) as follows:

**31-31-401. Applicability of plan.** (6) IF AN EMPLOYER THAT IS OTHERWISE REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO PROPERLY ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE PENSION ASSOCIATION NOR THE DEFINED BENEFIT SYSTEM TRUST FUND IS OBLIGATED OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER ARISING FROM SUCH FAILURE.

**SECTION 2.** In Colorado Revised Statutes, 31-31-802, **add** (3) as follows:

**31-31-802. Coverage.** (3) IF AN EMPLOYER THAT IS OTHERWISE REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO PROPERLY ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE PENSION ASSOCIATION NOR THE DEATH AND DISABILITY TRUST FUND IS OBLIGATED OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER ARISING FROM SUCH FAILURE.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

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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.*

unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2013