

CHAPTER 9

**GOVERNMENT - LOCAL**

SENATE BILL 15-027

BY SENATOR(S) Ulibarri, Balmer, Jones;  
also REPRESENTATIVE(S) Court, Ginal, Melton, Fields, Salazar.

**AN ACT**

**CONCERNING ADDITIONAL AUTHORITY OF THE BOARD OF DIRECTORS OF THE FIRE AND POLICE PENSION ASSOCIATION TO ASSESS ADMINISTRATIVE CHARGES.**

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

**SECTION 1.** In Colorado Revised Statutes, 31-31-202, **add** (7) and (8) as follows:

**31-31-202. Powers and duties of the board.** (7) THE BOARD MAY PROMULGATE RULES FOR THE ASSESSMENT OF INTEREST, INCLUDING THE WAIVER OF INTEREST FOR GOOD CAUSE, ON UNPAID CONTRIBUTIONS TO STATEWIDE PLANS. INTEREST SHALL ACCRUE AT THE RATE OF ONE-HALF OF ONE PERCENT PER MONTH.

(8) THE BOARD MAY ASSESS THE REASONABLE ACTUARIAL, AUDIT, AND OPERATIONAL COSTS INCURRED BY THE ASSOCIATION RELATED TO COMPLIANCE WITH REGULATORY REQUIREMENTS WHICH ARE ATTRIBUTABLE TO EMPLOYERS WITH MEMBERS PARTICIPATING IN PLANS ADMINISTERED BY THE ASSOCIATION. ALTERNATIVELY, THE BOARD MAY FIND SUCH COSTS TO BE DE MINIMIS AND PAY THE COSTS FROM THE PLAN ASSETS.

**SECTION 2.** In Colorado Revised Statutes, 31-31-402, **amend** (4) as follows:

**31-31-402. Employer and member contributions.** (4) The payments required by this section are subject to ~~penalties~~ INTEREST if not submitted when due. Payments are due no later than ten days following the date of payment of salary to the member. ~~An interest charge of one-half of one percent per month shall be levied against any unpaid amount and added to the employer payments required pursuant to this section; except that the board may waive the interest charge for new accounts in hardship cases, subject to rules promulgated by the board.~~

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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.*

**SECTION 3.** In Colorado Revised Statutes, 31-31-704.6, **amend** (3) as follows:

**31-31-704.6. Social security supplemental plan - creation - management.**

(3) Upon the effective date of coverage under the social security supplemental plan, each member covered by the plan shall pay ~~four percent of his or her salary paid~~ ONE-HALF OF THE MEMBER CONTRIBUTION RATE ESTABLISHED IN PART 4 OF THIS ARTICLE into the DEFINED BENEFIT PLAN TRUST fund. The payment shall be made by the employer by deduction from the salary paid to the member. For each member, the employer shall pay ~~four percent of the salary paid to the member~~ ONE-HALF OF THE EMPLOYER CONTRIBUTION RATE ESTABLISHED IN PART 4 OF THIS ARTICLE into the defined benefit plan trust fund. Payments are due no later than ten days following the date of payment of salary to the member, unless the salary is paid more than once monthly, in which event the payments are due no later than the tenth day of the month following the month the salary is paid to the member. ~~An interest charge of one-half of one percent per month shall be levied against any unpaid amount and added to the employer payments required pursuant to this section~~ THE PAYMENTS REQUIRED BY THIS SECTION ARE SUBJECT TO INTEREST IF NOT SUBMITTED WHEN DUE.

**SECTION 4.** In Colorado Revised Statutes, 31-31-501, **amend** (5) (c) as follows:

**31-31-501. Withdrawal into statewide money purchase plan.** (5) (c) ~~If any payment required pursuant to the provisions of paragraph (a) or (b) of this subsection (5) is not made, interest shall be assessed on the amount due at the rate specified for employers in section 31-31-402 (4) until such amount is paid in full~~ THE PAYMENTS REQUIRED BY THIS SECTION ARE SUBJECT TO INTEREST IF NOT SUBMITTED WHEN DUE.

**SECTION 5.** In Colorado Revised Statutes, 31-31-811, **amend** (4) as follows:

**31-31-811. State funding of death and disability benefits.** (4) For each member hired on or after January 1, 1997, who is eligible for the death and disability coverage provided by this part 8, a contribution shall be made to the death and disability account in the fund for the years 1997 and 1998 in an amount not greater than two and four tenths percent of the member's salary. Thereafter, the board, based on an annual actuarial valuation, may adjust the contribution rate every two years, but in no event may the adjustment for any two-year period exceed one-tenth of one percent of the member's salary. Any employer and any local pension board or authority shall provide such information as may be required by the board in order to complete the annual actuarial valuations. The actuary appointed by the board may utilize either the entry age-normal cost method or the aggregate cost method for purposes of the study required by this subsection (4). Any unfunded accrued liability shall be funded over a period not to exceed thirty years. The actuarial study shall not include any consideration of a cost of living adjustment to benefits awarded to members who are occupationally disabled. Payments shall be made by the employer and are due no later than ten days following the date of payment of salary to the member. ~~An interest charge of one-half of one percent per month shall be levied against any unpaid amount and shall be the responsibility of the employer~~ THE PAYMENTS REQUIRED BY THIS SECTION ARE SUBJECT TO INTEREST

IF NOT SUBMITTED WHEN DUE. Any decision regarding whether the contribution required by this subsection (4) shall be assessed against the employer or the member, or shall in some manner be assessed jointly against the employer and the member, will be made at the local level utilizing the usual process for determining employee benefits. If it is not already part of the usual process for determining employee benefits, the employer shall confer with the employees or their representative prior to making a determination on how the contribution will be assessed.

**SECTION 6.** In Colorado Revised Statutes, 31-31-1102, **amend** (4) (a) as follows:

**31-31-1102. Statewide hybrid plan - creation - management.** (4) (a) Except as provided in paragraph (b) of this subsection (4), upon the effective date of coverage under the statewide hybrid plan, each member covered by the plan shall pay into the defined benefit system trust fund eight percent of salary paid. The payment shall be made by the employer by deduction from the salary paid to such member. Except as provided in paragraph (b) of this subsection (4), for each such member, the employer shall pay into the defined benefit system trust fund eight percent of the salary paid to such member. Payments are due no later than ten days following the date of payment of salary to the member. ~~An interest charge of one-half of one percent per month shall be levied against any unpaid amount and added to the employer payments required pursuant to this section~~ THE PAYMENTS REQUIRED BY THIS SECTION ARE SUBJECT TO INTEREST IF NOT SUBMITTED WHEN DUE.

**SECTION 7. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 13, 2015