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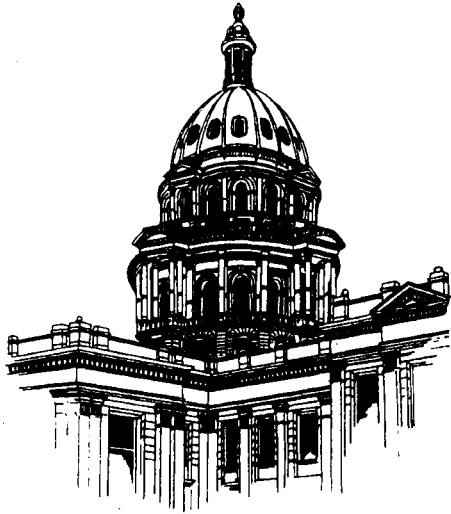
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0396 Policemen's and Firemen's Pension Reform Commission



Policemen's and Firemen's Pension Reform Commission

**Report to the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 396
December 1994**

RECOMMENDATIONS FOR 1994

**POLICEMEN'S AND FIREMEN'S
PENSION REFORM COMMISSION**

**Report to the
Colorado General Assembly**

**Research Publication No. 396
November 1994**

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December 9, 1994

To Members of the Sixtieth General Assembly:

Submitted herewith is the final report of the Policemen's and Firemen's Pension Reform Commission. This commission is a statutory committee established under Section 31-30-901, C.R.S.

At its meeting on October 11, 1994, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 1995 session was approved.

Respectfully submitted,

/s/ Representative Paul D. Schauer
Chairman
Legislative Council

PDS/eg

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POLICEMEN'S AND FIREMEN'S PENSION REFORM COMMISSION

Members of the Commission

Senator Ray Powers,
Chairman
Representative Tom Ratterree,
Vice Chairman
Senator Tom Blickensderfer
Senator Ray Peterson
Senator Mary Anne Tebedo
Senator Paul Weissmann

Representative Vickie Agler
Representative Ken Chlouber
Representative Mike Coffman
Representative Jim Dyer
Representative Lewis Entz
Representative Daphne Greenwood
Representative Vi June
Representative Peggy Reeves
* vacancy not filled by Speaker of the House

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POLICEMEN'S AND FIREMEN'S PENSION REFORM COMMISSION

Commission Charge

In 1978, Senate Bill 46 (Parts 8 and 9, Article 30, Title 31, C.R.S.) created a statutory policemen's and firemen's pension reform commission to study and develop legislation relating to the funding of police and fire pensions and the benefit designs of such plans.

Commission Activities and Recommendations

At its meeting on October 6, 1994, the commission heard reviews of the 1993 annual financial report and the 1993 financial data from Ms. Ruth Sieler, Executive Director of the Fire and Police Pension Association (FPPA). The director also presented a statement of FPPA's net assets as of December 31, 1993, and August 31, 1994, and the 1994 distribution of state funds for unfunded liabilities as of September 15, 1994. Association funds have grown from \$1,075,954,155 at end of 1993 to \$1,117,030,721 as of August 31, 1994. The 1994 distribution of state funds for the unfunded liabilities of 14 fire and police associations totaled \$18,721,079. Ms. Sieler reported that FPPA is forming a task force to study measures for decreasing unfunded liabilities.

The commission considered legislation requested by the FPPA Board of Directors. Following discussion, Bills A, B, and C were recommended for consideration in the 1995 legislative session. The Colorado State Firefighters Association (CSFA) proposed Bill D to separate the volunteer firefighters' pension provisions from the paid firefighters' pension provisions by placing them in a separate Part 11 of Article 30, Title 31, C.R.S. The bill also made several changes to volunteer firefighters' pension amounts. Following debate, the commission amended the proposed bill and voted to recommend the bill for consideration in the 1995 legislative session.

Bill A — Earning Allocations to Separate Retirement Accounts

Bill A changes the allocation of earnings to separate retirement accounts of police and fire members under the statewide defined benefit plan from a quarterly to at least a monthly basis.

Bill B — Investigation of Disability Benefits

Bill B increases from three to five years the period during which the FPPA is authorized to investigate members who have been awarded disability benefits by the association.

Bill C — Statewide Money Purchase Plan

Bill C authorizes employers who have local money purchase plans to apply for coverage of its fire and police members under the statewide money purchase plan. An application for coverage under the statewide plan must be made six months in advance of coverage. The application must be approved by 65 percent of the employer's active members who are participating in the local money purchase plan. The FPPA board is authorized to promulgate rules and regulations relating to the transfer of funds from the local money purchase plans into the statewide money purchase plan. This transfer will have to be done in accordance with federal law. The option for members to stay in the local money purchase plans will still exist; however, the window of time to opt out of the statewide plan after establishing membership is no longer in effect.

Bill D — Volunteer Firefighter Pensions

Bill D separates volunteer firefighter pension provisions from paid firefighter provisions in state law by creating a separate Part 11 of Article 30, Title 31, C.R.S. The bill specifies that length of service is vested when a volunteer firefighter has served five years. A maximum benefit of \$450 per month is established under any volunteer firefighter pension fund, unless otherwise provided. The maximum short-term disability monthly annuity is increased but can not exceed \$225 per month or last for more than one year. Any firefighter who served in more than one municipality, fire protection district, or county improvement district shall be entitled to one-twentieth of the retirement pension being paid (not to exceed \$450 per month) by that fund on the day the volunteer firefighter left the service of the particular municipality or district. Survivor benefits allowed when a volunteer firefighter dies in the line of duty are increased according to the number of years in service. The survivor benefits shall not exceed 50 percent of the current pension payment of an actuarially sound retired fire department member pension plan.

The bill clarifies municipality board membership and requires that a board in a fire protection district elect a president and secretary from the existing membership of the board. The municipality's or fire protection district's authority to create a board to administer the volunteer firefighter's pension fund that is distinct from the board authorized by statute is eliminated.

MATERIALS AVAILABLE

The following materials relevant to the Policemen's and Firemen's Pension Reform Commission meeting are available from the office of the Legislative Council.

1. Staff summary of meeting, October 6, 1994.
2. *Comprehensive Annual Financial Report of the Fire and Police Pension Association of Colorado*, FPPA, December 31, 1993.
3. Table illustrating FPPA's statement of net assets from December 31, 1993, through August 31, 1994.
4. Table illustrating the 1994 distribution of state funds for unfunded liabilities as of September 15, 1994.

BY REPRESENTATIVES June, Chlouber, Coffman, Entz, and Reeves; also SENATORS Blickensderfer, R. Powers, Tebedo, and Weissmann.

A BILL FOR AN ACT

101 CONCERNING THE ALLOCATION OF EARNINGS TO SEPARATE
102 RETIREMENT ACCOUNTS OF POLICE AND FIRE MEMBERS
103 COVERED BY THE STATEWIDE DEFINED BENEFIT PLAN.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Policemen's and Firemen's Pension Reform Commission.
Changes the allocation of earnings to separate retirement accounts of police and fire members under the statewide defined benefit plan from a quarterly to at least a monthly basis.

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

2 **SECTION 1.** 31-30-1017 (3), Colorado Revised
3 Statutes, 1986 Repl. Vol., as amended, is amended to read:

4 **31-30-1017. Separate retirement account - creation -**
5 **allocation.** (3) Earnings accruing on the amount allocated to the
6 member's separate retirement account shall be allocated ~~quarterly~~
7 AT LEAST MONTHLY on a time-weighted basis as determined by
8 the board.

9 **SECTION 2. Safety clause.** The general assembly
10 hereby finds, determines, and declares that this act is necessary
11 for the immediate preservation of the public peace, health, and
12 safety.

BY REPRESENTATIVES Coffman, Chlouber, Entz, June, and Reeves; also SENATORS Tebedo, Blickensderfer, R. Powers, and Weissmann.

A BILL FOR AN ACT

101 CONCERNING THE TIME PERIOD DURING WHICH THE FIRE AND
102 POLICE PENSION ASSOCIATION IS AUTHORIZED TO
103 INVESTIGATE MEMBERS WHO HAVE BEEN AWARDED
104 DISABILITY BENEFITS BY SAID ASSOCIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Policemen's and Firemen's Pension Reform Commission.
Increases from 3 to 5 years the time period during which the fire and police pension association is authorized to investigate members who have been awarded disability benefits by the association.

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

2 SECTION 1. 31-30-1007 (4) (b), Colorado Revised
3 Statutes, 1986 Repl. Vol., as amended, is amended to read:

4 31-30-1007. Retirement for disability. (4) (b) The
5 board shall have the authority to investigate claims for disability
6 retirement benefits at the time of initial application for benefits or
7 subsequent to an award of benefits in order to determine eligibility

1 or continuing eligibility for such benefits. The board shall appoint
2 such investigators and other personnel as may be necessary to
3 carry out this function. No investigation of a member who has
4 been awarded a disability retirement shall be pursued if more than
5 ~~three~~ FIVE years has elapsed since the date of the award.

6 SECTION 2. Safety clause. The general assembly
7 hereby finds, determines, and declares that this act is necessary
8 for the immediate preservation of the public peace, health, and
9 safety.

BY SENATORS Tebedo, Blickensderfer, and R. Powers;
also REPRESENTATIVES Reeves, Chlouber, Coffman, Entz,
and June.

A BILL FOR AN ACT

101 CONCERNING EMPLOYER PARTICIPATION IN THE STATEWIDE
102 MONEY PURCHASE PLAN FOR POLICE AND FIRE MEMBERS
103 CURRENTLY COVERED BY LOCAL MONEY PURCHASE
104 PLANS.

Bill Summary

(Note: This summary applies to this bill as introduced
and does not necessarily reflect any amendments which may be
subsequently adopted.)

Policemen's and Firemen's Pension Reform Commission.
Authorizes employers who have established local money purchase
plans to apply for coverage of its fire and police members under
the statewide money purchase plan. Requires the employer to
initiate an application for coverage by filing a resolution, adopted
by the employer's governing body, no less than 6 months prior to
the effective date of coverage. Requires approval of the
application for coverage by at least 65% of the employer's active
members who are participating in the local money purchase plan.
Authorizes the board to promulgate rules and regulations relating
to member approval, standards for granting an employer's
application, and submission of information by an employer to the
board. As part of the application process, requires an employer
to make certain certifications to the board concerning covered
employees and the local money purchase plan.

Makes conforming amendments.

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

1 SECTION 1. 31-30-1005.3, Colorado Revised Statutes,
2 1986 Repl.

3 31-30-1005.3. Statewide money purchase plan -
4 creation - management - application for coverage in lieu of
5 local money purchase plan. (6) (a) ANY EMPLOYER WHO HAS
6 ESTABLISHED A LOCAL MONEY PURCHASE PLAN PURSUANT TO PART
7 3, 4, 5, 6, OR 10 OF THIS ARTICLE MAY APPLY TO THE BOARD TO
8 COVER THE MEMBERS OF ITS LOCAL MONEY PURCHASE PLAN
9 UNDER THE STATEWIDE MONEY PURCHASE PLAN. AN APPLICATION
10 MAY BE INITIATED BY FILING WITH THE BOARD A RESOLUTION
11 ADOPTED BY THE EMPLOYER PURSUANT TO PARAGRAPH (b) OF THIS
12 SUBSECTION (6) NO LESS THAN SIX MONTHS PRIOR TO THE
13 PROPOSED EFFECTIVE DATE OF COVERAGE UNDER THE STATEWIDE
14 MONEY PURCHASE PLAN UNLESS A SHORTER WAITING PERIOD IS
15 APPROVED BY THE BOARD. THE EFFECTIVE DATE OF COVERAGE
16 SHALL BE THE FIRST DAY OF THE MONTH FOLLOWING THE WAITING
17 PERIOD.

18 (b) THE EMPLOYER'S RESOLUTION APPLYING FOR
19 COVERAGE UNDER THE STATEWIDE MONEY PURCHASE PLAN SHALL
20 BE ADOPTED BY THE GOVERNING BODY OF THE EMPLOYER AND
21 SHALL STATE THE EMPLOYER'S INTENT TO COVER THE MEMBERS OF
22 ITS LOCAL MONEY PURCHASE PLAN UNDER THE STATEWIDE MONEY
23 PURCHASE PLAN.

24 (c) ANY APPLICATION FOR COVERAGE UNDER THE
25 STATEWIDE MONEY PURCHASE PLAN SHALL BE APPROVED BY AT
26 LEAST SIXTY-FIVE PERCENT OF ALL ACTIVE MEMBERS EMPLOYED

1 BY THE EMPLOYER WHO ARE PARTICIPATING IN THE LOCAL MONEY
2 PURCHASE PLAN AT THE TIME OF THE APPLICATION.

3 (d) THE BOARD SHALL PROMULGATE RULES AND
4 REGULATIONS RELATING TO STANDARDS FOR DISCLOSURE OF ALL
5 RAMIFICATIONS AND PROCEDURES FOR OBTAINING THE MEMBER
6 APPROVAL DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (6).
7 THE BOARD SHALL ALSO PROMULGATE RULES AND REGULATIONS
8 RELATING TO STANDARDS FOR GRANTING AN EMPLOYER'S
9 APPLICATION FOR PARTICIPATION IN THE STATEWIDE MONEY
10 PURCHASE PLAN AND FOR THE SUBMISSION OF INFORMATION TO
11 THE BOARD BY THE EMPLOYER.

12 (e) AN APPLICATION FOR COVERAGE UNDER THE
13 STATEWIDE MONEY PURCHASE PLAN SHALL NOT BE COMPLETE
14 UNTIL THE EMPLOYER CERTIFIES TO THE BOARD THAT:

15 (I) THE EMPLOYER'S LOCAL MONEY PURCHASE PLAN
16 MEETS THE QUALIFICATION REQUIREMENTS OF SECTION 401 (a) OF
17 THE INTERNAL REVENUE CODE OF 1986 THAT ARE APPLICABLE TO
18 GOVERNMENTAL PLANS;

19 (II) IN CONNECTION WITH THE EMPLOYER'S RESOLUTION
20 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6), THE
21 EMPLOYER'S GOVERNING BODY HAS ADOPTED A RESOLUTION FOR
22 COMPLETE OR PARTIAL TERMINATION OF THE LOCAL MONEY
23 PURCHASE PLAN IN ACCORDANCE WITH THE TERMS OF THAT PLAN
24 AND THAT:

1 (A) THE TERMINATION RESOLUTION DOES NOT
2 ADVERSELY AFFECT THE QUALIFIED STATUS OF THE LOCAL MONEY
3 PURCHASE PLAN; AND

4 (B) THE RIGHTS OF ALL PARTICIPANTS IN THE LOCAL
5 MONEY PURCHASE PLAN WHO ARE AFFECTED BY THE TERMINATION
6 TO BENEFITS ACCRUED TO THE DATE OF TERMINATION ARE
7 NONFORFEITABLE;

8 (III) ALL ACTIVE AND RETIRED FIRE AND POLICE
9 PARTICIPANTS IN THE LOCAL MONEY PURCHASE PLAN WILL
10 BECOME PARTICIPANTS IN THE STATEWIDE MONEY PURCHASE
11 PLAN;

12 (IV) AS DIRECTED BY THE BOARD, THE EMPLOYER WILL
13 TRANSFER OR CAUSE TO BE TRANSFERRED TO THE STATEWIDE
14 MONEY PURCHASE PLAN ALL ASSETS OF THE LOCAL MONEY
15 PURCHASE PLAN THAT ARE ATTRIBUTABLE TO THE ACCRUED
16 BENEFITS OF THE TRANSFERRED PARTICIPANTS;

17 (V) ALL EMPLOYER AND EMPLOYEE CONTRIBUTIONS
18 REQUIRED TO BE MADE TO THE LOCAL MONEY PURCHASE PLAN AS
19 OF THE DATE OF TERMINATION HAVE BEEN PAID;

20 (VI) PARTICIPANTS IN THE LOCAL MONEY PURCHASE
21 PLAN WILL NOT INCUR A REDUCTION IN THEIR RESPECTIVE
22 ACCRUED BENEFITS, DETERMINED AS OF THE DATE OF TRANSFER,
23 AS A RESULT OF THEIR TRANSFER TO THE STATEWIDE MONEY
24 PURCHASE PLAN; AND

25 (VII) THE EMPLOYER AGREES TO PARTICIPATE IN THE
26 STATEWIDE MONEY PURCHASE PLAN AND TO BE BOUND BY THE

1 TERMS OF THE PLAN AND THE DECISIONS AND ACTIONS OF THE
2 BOARD WITH RESPECT TO THE PLAN.

3 **SECTION 2.** 31-30-1003.3, Colorado Revised Statutes,
4 1986 Repl. Vol., as amended, is amended BY THE ADDITION
5 OF A NEW SUBSECTION to read:

6 **31-30-1003.3. Exempt money purchase plan option.**
7 (11) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
8 AN EMPLOYER WHO HAS ADOPTED A LOCAL MONEY PURCHASE
9 PLAN FROM ELECTING AND APPLYING FOR COVERAGE UNDER THE
10 STATEWIDE MONEY PURCHASE PLAN PURSUANT TO SECTION
11 31-30-1005.3 (6).

12 **SECTION 3.** 31-30-1005 (1), Colorado Revised
13 Statutes, 1986 Repl. Vol., as amended, is amended BY THE
14 ADDITION OF A NEW PARAGRAPH to read:

15 **31-30-1005. Powers and duties of the board.** (1) The
16 board shall:

17 (1) APPROVE OR DENY APPLICATIONS FOR COVERAGE
18 UNDER THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO
19 SECTION 31-30-1005.3 (6).

20 **SECTION 4. Safety clause.** The general assembly
21 hereby finds, determines, and declares that this act is necessary
22 for the immediate preservation of the public peace, health, and
23 safety.

BY REPRESENTATIVES Entz, Chlouber, June, and Reeves;
also SENATOR Tebedo.

A BILL FOR AN ACT

101 CONCERNING VOLUNTEER FIREFIGHTER PENSIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Policemen's and Firemen's Pension Reform Commission.

Separates volunteer firefighter pension provisions from paid firefighter pension provisions and places them in a separate part 11 of article 30 of title 31, C.R.S. Repeals provisions in parts 4 and 10 of article 30 of title 31 that are moved to part 11 of article 30 of title 31, C.R.S., and that are obsolete. Clarifies volunteer firefighter pension provisions.

Prescribes a maximum benefit amount allowed under any volunteer firefighter pension fund, unless otherwise provided. Specifies that length of service is vested when a volunteer firefighter serves 5 years. Increases the maximum short-term disability annuity and sets a maximum long-term disability annuity amount allowed to a volunteer firefighter. Increases the maximum total pension amount allowed to a volunteer firefighter if the firefighter served in more than one municipality, fire protection district, or county improvement district. Increases the maximum amount of survivor benefits allowed when a volunteer firefighter dies in the line of duty. Increases the benefit for funeral expenses of a deceased volunteer firefighter.

Adds one person to the membership of the volunteer firefighter pension fund board in municipalities. Clarifies that the board in a fire protection district elects a president and secretary from the board's membership. Eliminates a municipality's and fire protection district's authority to create by ordinance or resolution a board to administer the volunteer firefighter's pension fund that is distinct from the board authorized by statute. Restricts contributions of fund moneys for only fire-related purposes. Increases the number of active and retired volunteer

firefighters required to concur with the purchase of insurance. Makes conforming amendments.

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

2 SECTION 1. Legislative intent. (1) This act is
3 primarily intended to separate the provisions of law relating to
4 volunteer firefighter pensions presently located in article 30 of
5 title 31, Colorado Revised Statutes, from similar provisions
6 relating to other firefighter pensions and to locate them in a new
7 part 11 created in article 30 of title 31, Colorado Revised
8 Statutes, that relates only to volunteer firefighter pensions. Part
9 11 of article 30 of title 31, Colorado Revised Statutes, is not
10 intended to apply to paid firefighters. This separation is intended
11 to facilitate the understanding and usage of the law governing
12 volunteer firefighter pensions. This act also is intended to clarify
13 existing law relating to volunteer firefighter pensions, to use plain
14 language in the volunteer firefighter pension laws in compliance
15 with section 2-2-801, Colorado Revised Statutes, and to change
16 some of the volunteer firefighter pension benefits.

17 (2) This act is not intended to terminate volunteer
18 firemen's pension boards of trustees or volunteer firemen's
19 pension funds existing before the effective date of this act nor to
20 require any transfer of moneys in these funds to new funds. The
21 intent is to continue these boards and funds under part 11, article
22 30 of title 31, Colorado Revised Statutes, created in this act.

1 **SECTION 2.** Article 30 of title 31, Colorado Revised
2 Statutes, 1986 Repl. Vol., as amended, is amended BY THE
3 ADDITION OF A NEW PART to read:

4 PART 11
5 **VOLUNTEER FIREFIGHTER PENSION ACT**

6 **31-30-1101. Short title.** THIS PART 11 SHALL BE KNOWN
7 AND MAY BE CITED AS THE "VOLUNTEER FIREFIGHTER PENSION
8 ACT".

9 **31-30-1102. Definitions.** AS USED IN THIS PART 11,
10 UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (1) "BOARD" MEANS THE BOARD OF TRUSTEES OF THE
12 VOLUNTEER FIREFIGHTER PENSION FUND THAT IS CREATED IN A
13 MUNICIPALITY OR DISTRICT UNDER THIS PART 11.

14 (2) "DISTRICT" MEANS A FIRE PROTECTION DISTRICT OR
15 COUNTY IMPROVEMENT DISTRICT IN THIS STATE THAT MAINTAINS
16 A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT AND
17 THAT OFFERS FIRE PROTECTION SERVICES.

18 (3) "FIRE AND POLICE PENSION ASSOCIATION" MEANS THE
19 ASSOCIATION CREATED BY SECTION 31-30-1004.

20 (4) "FIRE DEPARTMENT MEMBER" MEANS A VOLUNTEER
21 FIREFIGHTER WHO IS IN A FIRE DEPARTMENT THAT SERVES A
22 MUNICIPALITY OR DISTRICT AND WHO ACCRUES BENEFITS IN THE
23 VOLUNTEER FIREFIGHTER PENSION FUND.

24 (5) "FUND" MEANS THE VOLUNTEER FIREFIGHTER
25 PENSION FUND PROVIDED IN THIS PART 11.

1 (6) "MUNICIPALITY" MEANS A MUNICIPALITY IN THIS
2 STATE THAT MAINTAINS A REGULARLY ORGANIZED VOLUNTEER
3 FIRE DEPARTMENT AND THAT OFFERS FIRE PROTECTION SERVICES.

4 (7) "PLAN" MEANS A PROGRAM OF BENEFITS PROVIDED
5 UNDER THIS PART 11.

6 (8) "RETIRED FIRE DEPARTMENT MEMBER" MEANS A
7 VOLUNTEER FIREFIGHTER WHO IS NOT ON ACTIVE DUTY AND WHO
8 RECEIVES PENSION BENEFITS FROM THE VOLUNTEER FIREFIGHTER
9 PENSION FUND.

10 (9) (a) "VOLUNTEER FIREFIGHTER" MEANS EITHER OF
11 THE FOLLOWING, REGARDLESS OF THE DESIGNATION OR TITLE
12 GIVEN THE FIREFIGHTER:

13 (I) A FIREFIGHTER WHO RENDERS SERVICE TO A FIRE
14 DEPARTMENT IN A MUNICIPALITY OR DISTRICT AND WHO DOES NOT
15 RECEIVE COMPENSATION UNDER A CONTRACT OF EMPLOYMENT AS
16 A FIREFIGHTER; OR

17 (II) A RESERVE FIREFIGHTER WHO RENDERS SERVICE TO
18 A FIRE DEPARTMENT IN A MUNICIPALITY OR DISTRICT AND WHO
19 DOES NOT RECEIVE COMPENSATION UNDER A CONTRACT OF
20 EMPLOYMENT AS A FIREFIGHTER.

21 (b) FOR THE PURPOSES OF THIS SUBSECTION (9),
22 "COMPENSATION" DOES NOT INCLUDE:

23 (I) ACTUAL EXPENSES INCURRED BY AND REIMBURSED TO
24 A VOLUNTEER FIREFIGHTER; OR

1 (II) SALARY LOST AS A CONSEQUENCE OF ACTUAL
2 FIREFIGHTING DUTIES CAUSING THE ABSENCE OF THE VOLUNTEER
3 FIREFIGHTER FROM NORMAL EMPLOYMENT.

4 **31-30-1103. Board of trustees - fund.** (1) IN ANY
5 MUNICIPALITY OR DISTRICT THAT MAINTAINS A REGULARLY
6 ORGANIZED VOLUNTEER FIRE DEPARTMENT, THERE IS CREATED A
7 BOARD OF TRUSTEES OF THE VOLUNTEER FIREFIGHTER PENSION
8 FUND. THE BOARD:

9 (a) SHALL MANAGE, USE, AND DISBURSE MONEYS IN THE
10 FUND ACCORDING TO ITS RULES AND BYLAWS AND THIS PART 11;

11 (b) SHALL SUPERVISE AND CONTROL THE FUND;

12 (c) MAY TAKE ALL NECESSARY STEPS AND PURSUE ALL
13 NECESSARY REMEDIES TO PRESERVE THE FUND.

14 **31-30-1104. Board - municipality.** (1) IN A
15 MUNICIPALITY, THE BOARD MUST CONSIST OF THE FOLLOWING
16 MEMBERS:

17 (a) THE MAYOR FOR A TERM EQUAL TO THE MAYOR'S
18 TENURE AS MAYOR;

19 (b) THE MUNICIPAL TREASURER FOR A TERM EQUAL TO
20 THE TREASURER'S TENURE WITH THE MUNICIPALITY;

21 (c) TWO OTHER PERSONS APPOINTED BY AND FOR TERMS
22 DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY;
23 AND

24 (d) THREE FIRE DEPARTMENT MEMBERS OF THE ENTIRE
25 MEMBERSHIP OF ALL CLASSES OF FIRE DEPARTMENTS SERVING THE
26 MUNICIPALITY WHO ARE ELECTED BY THE MEMBERS OF THOSE FIRE

1 DEPARTMENTS FOR THREE-YEAR TERMS; EXCEPT THAT, AT THE
2 INITIAL ELECTION, ONE MEMBER SHALL BE ELECTED FOR THREE
3 YEARS, ONE MEMBER FOR TWO YEARS, AND ONE MEMBER FOR ONE
4 YEAR. IN ALL SUBSEQUENT ELECTIONS, THESE MEMBERS SHALL BE
5 ELECTED FOR THREE YEARS.

6 (2) THE BOARD SHALL ELECT A PRESIDENT AND
7 SECRETARY FROM ITS MEMBERS. THE MUNICIPAL TREASURER OR
8 FINANCE OFFICER SHALL SERVE AS THE EX OFFICIO TREASURER OF
9 THE BOARD.

10 **31-30-1105. Board - fire protection district.** (1) IN A
11 FIRE PROTECTION DISTRICT, THE BOARD MUST CONSIST OF THE
12 FOLLOWING MEMBERS:

13 (a) THE BOARD OF DIRECTORS OF THE FIRE PROTECTION
14 DISTRICT FOR TERMS EQUAL TO THEIR TENURE ON THE FIRE
15 PROTECTION DISTRICT BOARD;

16 (b) THE TREASURER OF THE BOARD OF THE FIRE
17 PROTECTION DISTRICT WHO SHALL BE TREASURER OF THE FUND
18 FOR A TERM EQUAL TO THE TREASURER'S TENURE ON THE FIRE
19 PROTECTION DISTRICT BOARD; AND

20 (c) TWO FIRE DEPARTMENT MEMBERS ELECTED BY THE
21 FIRE DEPARTMENT MEMBERS FOR TWO-YEAR TERMS; EXCEPT THAT,
22 AT THE INITIAL ELECTION, ONE MEMBER SHALL BE ELECTED FOR
23 TWO YEARS AND ONE MEMBER FOR ONE YEAR. IN ALL
24 SUBSEQUENT ELECTIONS, THESE MEMBERS SHALL BE ELECTED FOR
25 THREE YEARS.

1 (2) THE BOARD SHALL ELECT A PRESIDENT AND
2 SECRETARY FROM ITS MEMBERS.

3 (3) THE TREASURER OF THE BOARD SHALL OBTAIN A
4 BOND PAID FROM THE FUND IN AN AMOUNT DETERMINED BY THE
5 BOARD. **31-30-1106. Board - county**

6 **improvement district.** (1) IN A COUNTY IMPROVEMENT DISTRICT,
7 THE BOARD MUST CONSIST OF THE FOLLOWING MEMBERS:

8 (a) ONE COUNTY COMMISSIONER OF THE COUNTY IN
9 WHICH THE DISTRICT IS LOCATED FOR A TERM EQUAL TO THE
10 COMMISSIONER'S TENURE AS COUNTY COMMISSIONER;

11 (b) THE COUNTY TREASURER FOR A TERM EQUAL TO THE
12 TREASURER'S TENURE WITH THE COUNTY;

13 (c) THREE RESIDENTS OF THE COUNTY OBLIGATED TO
14 PAY REAL OR PERSONAL PROPERTY TAXES WHO ARE APPOINTED BY
15 THE COUNTY COMMISSIONERS FOR STAGGERED TERMS DETERMINED
16 BY THE COUNTY COMMISSIONERS; AND

17 (d) TWO FIRE DEPARTMENT MEMBERS FOR TWO-YEAR
18 TERMS.

19 (2) THE TREASURER OF THE FUND SHALL OBTAIN A BOND
20 PAID FROM THE FUND IN AN AMOUNT DETERMINED BY THE BOARD.

21 **31-30-1107. Board - consolidation or merger.** (1) IF
22 A MUNICIPALITY OR DISTRICT MERGES OR CONSOLIDATES WITH ONE
23 OR MORE MUNICIPALITIES OR DISTRICTS, THE FORMER TRUSTEES OF
24 THE VARIOUS VOLUNTEER FIREFIGHTER PENSION FUNDS OF THE
25 CONSOLIDATED OR MERGED MUNICIPALITIES OR DISTRICTS SHALL:

1 (a) ELECT SEVEN PERSONS FROM THEIR MEMBERS, NOT
2 MORE THAN THREE OF WHOM ARE FIRE DEPARTMENT MEMBERS, TO
3 SERVE AS TRUSTEES OF THE VOLUNTEER FIREFIGHTER PENSION
4 FUND OF THE CONSOLIDATED OR MERGED FUND WITH DUE REGARD
5 TO EQUAL REPRESENTATION;

6 (b) CEASE TO HOLD OFFICE IF THEY ARE NOT ELECTED
7 UNDER PARAGRAPH (a) OF THIS SUBSECTION (1).

8 (2) THE TRUSTEES OF THE CONSOLIDATED OR MERGED
9 FUND SHALL ELECT FROM ITS MEMBERS A PRESIDENT, SECRETARY,
10 AND TREASURER. THE TREASURER OF THE CONSOLIDATED OR
11 MERGED DISTRICT'S FUND SHALL OBTAIN A BOND PAID FROM THE
12 FUND IN AN AMOUNT DETERMINED BY THE BOARD.

13 **31-30-1108. Board powers and duties.** (1) A BOARD
14 CREATED BY THIS PART 11 TO CONTROL A FUND:

15 (a) SHALL ADOPT NECESSARY RULES THAT ARE NOT
16 INCONSISTENT WITH THIS PART 11 FOR THE MANAGEMENT AND
17 DISCHARGE OF ITS DUTIES, FOR ITS OWN GOVERNMENT AND
18 PROCEDURE, AND FOR THE PRESERVATION AND PROTECTION OF
19 THE FUND;

20 (b) SHALL HEAR AND DECIDE EACH APPLICATION FOR
21 BENEFITS UNDER THIS PART 11 IN ACCORDANCE WITH SECTION
22 24-4-105, C.R.S. ACTION ON AN APPLICATION IS FINAL AND
23 CONCLUSIVE; EXCEPT THAT, IF IN THE OPINION OF A BOARD,
24 JUSTICE DEMANDS RECONSIDERATION OF THE ACTION, THE BOARD
25 MAY REVERSE THE ACTION;

1 (c) SHALL KEEP AND PRESERVE A RECORD OF THE ACTION
2 AND ALL OTHER MATTERS PROPERLY BEFORE THE BOARD;

3 (d) MAY MAKE AGREEMENTS WITH THE FIRE AND POLICE
4 PENSION ASSOCIATION TO ADMINISTER THE PLAN AND MANAGE THE
5 FUNDS OF THE PLAN FOR INVESTMENT;

6 (e) MAY CONSOLIDATE ITS FUND WITH THE FUND OF
7 ANOTHER MUNICIPALITY OR DISTRICT AND SHALL ADMINISTER THE
8 CONSOLIDATED FUNDS AS A SINGLE FUND IF IN THE OPINION OF
9 THE BOARD THE TOTAL MONEYS ALLOCATED TO A FUND BY A
10 MUNICIPALITY OR DISTRICT ARE INADEQUATE TO SUSTAIN A
11 PROPER FUND FOR RETIREMENT OR FOR THE OTHER PURPOSES OF
12 THE FUND UNDER THIS PART 11. THE BOARDS OF THESE SINGLE
13 FUNDS MAY CONSOLIDATE THE FUNDS UNDER CONDITIONS AND
14 TERMS PROVIDED IN AN AGREEMENT CONSISTENT WITH THIS PART
15 11.

16 **31-30-1109. Attorney representation.** (1) THE
17 ATTORNEY FOR A MUNICIPALITY OR DISTRICT SHALL:

18 (a) WHEN REQUIRED BY THE BOARD, ADVISE THE BOARD
19 ON ALL MATTERS PERTAINING TO THE BOARD'S DUTIES AND
20 MANAGEMENT OF THE FUND;

21 (b) REPRESENT AND DEFEND THE BOARD IN ANY SUIT OR
22 ACTION AT LAW OR IN EQUITY BROUGHT AGAINST THE BOARD; AND

23 (c) BRING ALL SUITS AND ACTIONS ON THE BOARD'S
24 BEHALF AS THE BOARD REQUIRES OR REQUESTS.

25 (2) IF A CONFLICT BETWEEN A BOARD AND A
26 MUNICIPALITY OR DISTRICT EXISTS, THE BOARD MAY OBTAIN AN

1 ATTORNEY TO REPRESENT THE BOARD IN ANY ACTION DESCRIBED
2 IN THIS SECTION AT THE BOARD'S EXPENSE.

3 **31-30-1110. Property tax.** THE GOVERNING BODY OF A
4 MUNICIPALITY WITH A POPULATION OF LESS THAN ONE HUNDRED
5 THOUSAND, THE BOARD OF DIRECTORS OF EACH FIRE PROTECTION
6 DISTRICT, OR THE BOARD OF A COUNTY IMPROVEMENT DISTRICT
7 MAY LEVY AND SET APART A TAX FOR EACH YEAR OF NOT MORE
8 THAN ONE MILL ON THE TAXABLE PROPERTY IN THE MUNICIPALITY
9 OR DISTRICT. THE GOVERNING BODY OR BOARD SHALL CREDIT THE
10 PROCEEDS OF THIS TAX, IF ANY, TO THE MUNICIPALITY'S OR
11 DISTRICT'S FUND. THE TOTAL TAX LEVIED UNDER THIS SECTION
12 AND SECTION 31-30-405 (2), IF ANY, FOR A FIRE DEPARTMENT
13 THAT HAS BOTH PAID AND VOLUNTEER FIREFIGHTERS MUST NOT
14 EXCEED ONE MILL ON THE TAXABLE PROPERTY IN THE
15 MUNICIPALITY OR DISTRICT. ANY NEW TAX OR AN INCREASE IN
16 THE MILL LEVY UNDER THIS SECTION SHALL COMPLY WITH THE
17 VOTER APPROVAL REQUIREMENTS UNDER SECTION 20 OF ARTICLE
18 X OF THE STATE CONSTITUTION.

19 **31-30-1111. Contribution to fund.** (1) IN ADDITION TO
20 ANY PROPERTY TAX REVENUES COLLECTED UNDER SECTION
21 31-30-1110, THE FUND ALSO CONSISTS OF ANY:

22 (a) MONEYS GIVEN TO THE BOARD OR FUND BY A PERSON
23 FOR THE USE AND PURPOSE FOR WHICH THE FUND IS CREATED.
24 THE BOARD MAY TAKE ANY MONEY, PERSONAL PROPERTY, OR
25 REAL ESTATE, OR INTEREST THEREIN BY GIFT, GRANT, DEVISE, OR

1 BEQUEST AS TRUSTEES FOR THE USE AND PURPOSE FOR WHICH THE
2 FUND IS CREATED;

3 (b) MONEYS, FEES, REWARDS, OR EMOLUMENTS OF ANY
4 NATURE AND DESCRIPTION THAT ARE PAID OR GIVEN TO THE FUND;
5 AND

6 (c) MONEYS PROVIDED BY THE STATE UNDER SECTION
7 31-30-1112.

8 (2) FUND MONEYS ARE FOR THE USE AND BENEFIT OF THE
9 FIRE DEPARTMENT MEMBERS AND THEIR SURVIVING SPOUSES,
10 DEPENDENT CHILDREN, AND DEPENDENT PARENTS IN ACCORDANCE
11 WITH THIS PART 11.

12 **31-30-1112. State contributions - intent.** (1) THE
13 STATE TREASURER MAY TRANSFER MONEYS ANNUALLY TO THE
14 FIRE AND POLICE PENSION ASSOCIATION FOR DISTRIBUTION AS
15 PROVIDED IN THIS SECTION TO ASSIST IN FUNDING VOLUNTEER
16 FIREFIGHTER PENSION FUNDS.

17 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH
18 (b) OF THIS SUBSECTION (2), STATE CONTRIBUTIONS TO ANY
19 MUNICIPALITY OR DISTRICT MUST EQUAL NINETY PERCENT OF ALL
20 AMOUNTS LEVIED, APPROPRIATED, AND CONTRIBUTED BY THE
21 MUNICIPALITY OR DISTRICT UNDER SECTION 31-30-1110, BUT THE
22 STATE CONTRIBUTION SHALL NOT EXCEED ONE-HALF MILL ON THE
23 CURRENT VALUATION FOR ASSESSMENT OF THE MUNICIPALITY OR
24 DISTRICT ASSUMING ONE HUNDRED PERCENT COLLECTION.

25 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS
26 SUBSECTION (2), A MUNICIPALITY OR DISTRICT THAT WAS LEVYING

1 AN AMOUNT EQUAL TO OR LESS THAN ONE-HALF MILL BEFORE
2 JULY 1, 1993, AND THAT SUBSEQUENTLY INCREASES ITS MILL
3 LEVY, APPROPRIATION, OR CONTRIBUTION TO PAY VOLUNTEER
4 FIREFIGHTER PENSIONS IN EXCESS OF THREE HUNDRED DOLLARS
5 PER MONTH SHALL RECEIVE STATE CONTRIBUTIONS UNDER
6 PARAGRAPH (a) OF THIS SUBSECTION (2) BASED UPON THE GREATER
7 OF:

8 (I) THE MILL LEVY, APPROPRIATION, OR CONTRIBUTION
9 THAT WOULD BE REQUIRED TO BE LEVIED TO PAY A PENSION OF
10 THREE HUNDRED DOLLARS PER MONTH, AS DETERMINED BY THE
11 MUNICIPALITY OR DISTRICT; OR

12 (II) THE MILL LEVY, APPROPRIATION, OR THE
13 CONTRIBUTION BEFORE THE INCREASE.

14 (c) IN NO EVENT SHALL A MUNICIPALITY OR DISTRICT
15 RECEIVE LESS THAN FIVE HUNDRED DOLLARS IF THE MUNICIPALITY
16 OR DISTRICT CONTRIBUTES TO ITS FUND A SUM EQUAL TO THE
17 PROCEEDS OF A LEVY OF ONE-HALF MILL ON THE CURRENT
18 VALUATION FOR ASSESSMENT OF THE MUNICIPALITY OR DISTRICT.

19 (d) IN CALCULATING THE CONTRIBUTION BY THE STATE
20 PROVIDED IN THIS SECTION, THE CASH EQUIVALENT OF THE
21 ACCIDENTAL DEATH AND DISABILITY BENEFIT UNDER SECTION
22 31-30-1005 (4) FOR EACH MUNICIPALITY OR DISTRICT HAVING
23 MEMBERS, AS DEFINED IN SECTION 31-30-1002, SHALL BE
24 SUBTRACTED. IF THE ACCIDENTAL DEATH AND DISABILITY BENEFIT
25 IS EQUAL TO OR GREATER THAN THE AMOUNT SCHEDULED TO BE
26 CONTRIBUTED TO THE MUNICIPALITY OR DISTRICT, THE FIRE AND

1 POLICE PENSION ASSOCIATION SHALL NOT MAKE A CONTRIBUTION,
2 AND THE STATE PAYMENT OF ACCIDENTAL DEATH AND DISABILITY
3 BENEFITS SHALL BE IN LIEU OF ANY CONTRIBUTION PREVIOUSLY
4 MADE TO THE MUNICIPALITY OR DISTRICT.

5 (e) THE MONEYS NECESSARY TO MAKE THE STATE'S
6 CONTRIBUTION UNDER THIS SECTION SHALL BE DERIVED FROM THE
7 PROCEEDS OF THE TAX IMPOSED BY SECTION 10-3-209, C.R.S., AS
8 FOLLOWS:

9 (I) ON SEPTEMBER 30 OF EACH YEAR, THE STATE
10 TREASURER SHALL TRANSFER THE AMOUNT NECESSARY TO
11 PROVIDE CONTRIBUTIONS EQUAL TO THE CONTRIBUTIONS MADE BY
12 THE STATE TO EACH MUNICIPALITY AND DISTRICT DURING THE
13 CALENDAR YEAR 1979 TO THE FIRE AND POLICE PENSION
14 ASSOCIATION FOR DISBURSEMENT TO THE FUND OF EACH
15 MUNICIPALITY OR DISTRICT.

16 (II) TO THE EXTENT THE STATE'S CONTRIBUTION UNDER
17 THIS SECTION EXCEEDS THE CONTRIBUTIONS MADE BY THE STATE
18 DURING THE CALENDAR YEAR 1979, THE STATE TREASURER SHALL
19 TRANSFER THE EXCESS AMOUNTS FROM THE PROCEEDS OF THE TAX
20 IMPOSED BY SECTION 10-3-209, C.R.S., TO THE FIRE AND POLICE
21 PENSION ASSOCIATION ON SEPTEMBER 30 OF EACH YEAR FOR
22 DISBURSEMENT TO THE MUNICIPALITY'S OR DISTRICT'S FUNDS.
23 MONEYS TRANSFERRED UNDER THIS SUBPARAGRAPH (II) SHALL BE
24 SEPARATE FROM AND IN ADDITION TO MONEYS TRANSFERRED
25 UNDER SECTION 31-30-1014 (5) AND DO NOT REVERT TO THE

1 GENERAL FUND BUT ARE AVAILABLE FOR THE PURPOSES PROVIDED
2 IN THIS SECTION.

3 (f) IN ADDITION TO ANY OTHER TRANSFERS REQUIRED BY
4 THIS SECTION, ON SEPTEMBER 30 OF EACH YEAR, THE STATE
5 TREASURER SHALL TRANSFER FROM THE PROCEEDS OF THE TAX
6 IMPOSED BY SECTION 10-3-209, C.R.S., TO THE FIRE AND POLICE
7 PENSION ASSOCIATION, SUCH MONEYS AS MAY BE NECESSARY TO
8 PAY FOR THE ACCIDENTAL DEATH AND DISABILITY INSURANCE
9 POLICY FOR VOLUNTEER FIREFIGHTERS PROVIDED IN SECTION
10 31-30-1005 (4).

11 (g) MONEYS TRANSFERRED PURSUANT TO THIS SECTION
12 SHALL BE INCLUDED FOR INFORMATION PURPOSES IN THE GENERAL
13 APPROPRIATION BILL OR IN SUPPLEMENTAL APPROPRIATION BILLS
14 TO COMPLY WITH THE LIMITATION ON STATE FISCAL YEAR
15 SPENDING IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
16 CONSTITUTION AND SECTION 24-77-103, C.R.S.

17 (h) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO
18 CONTINUALLY FUND VOLUNTEER FIREFIGHTER PENSION PLANS.

19 **31-30-1113. Fund investments.** (1) THE BOARD MAY
20 INVEST ALL OR ANY PART OF FUND MONEYS IN THE NAME OF THE
21 BOARD'S TREASURER OR IN THE NAME OF A CUSTODIAN OR
22 CUSTODIANS APPOINTED BY THE BOARD UNDER THIS SECTION IN
23 INTEREST-BEARING OBLIGATIONS OF THE UNITED STATES, IN
24 INTEREST-BEARING BONDS OF THIS STATE, IN GENERAL OBLIGATION
25 BONDS OF MUNICIPALITIES, WHETHER ORGANIZED UNDER GENERAL
26 LAW OR ARTICLE XX OF THE STATE CONSTITUTION, OR IN ANY

1 DEPOSITORY STATED IN SECTION 24-75-603, C.R.S., AND SECURED
 2 AS PROVIDED IN ARTICLES 10.5 AND 47 OF TITLE 11, C.R.S. BY
 3 WRITTEN RESOLUTION, THE BOARD MAY APPOINT ONE OR MORE
 4 PERSONS TO ACT AS A CUSTODIAN OR CUSTODIANS, IN ADDITION TO
 5 THE TREASURER, TO DEPOSIT OR CAUSE TO BE DEPOSITED ALL OR
 6 PART OF THE FUND IN ANY STATE OR NATIONAL BANK OR ANY
 7 STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN
 8 ASSOCIATION IN THIS STATE. THE APPOINTED PERSONS SHALL GIVE
 9 SURETY BONDS, AND THE BOARD SHALL DETERMINE THE BONDS'
 10 AMOUNTS, FORM, AND PURPOSES. THESE SECURITIES AND
 11 EVIDENCES OF INVESTMENT SHALL BE DEPOSITED WITH THE
 12 TREASURER OF THE MUNICIPALITY OR DISTRICT.

13 (2) UPON THE BOARD'S DIRECTION, THE TREASURER OF
 14 A MUNICIPALITY OR DISTRICT MAY INVEST PART OF THE FUND
 15 AVAILABLE FOR INVESTMENT, WITH OR WITHOUT ONE OR MORE
 16 OTHER VOLUNTEER FIREFIGHTER PENSION FUNDS, IN A
 17 NONINSURED TRUST PENSION PLAN WITH A BANK OR TRUST
 18 COMPANY AUTHORIZED TO EXERCISE TRUST POWERS IN THIS STATE
 19 AS A TRUSTEE. THE TRUSTEE'S INVESTMENT OF FUND MONEYS IS
 20 GOVERNED BY PART 3 OF ARTICLE 1 OF TITLE 15, C.R.S., BUT THE
 21 TRUSTEE SHALL AT ALL TIMES HOLD FIXED-INCOME OBLIGATIONS
 22 HAVING A BOOK VALUE OR COST OF NOT LESS THAN SIXTY
 23 PERCENT OF THE TOTAL CONTRIBUTIONS MADE TO THE TRUST LESS
 24 THE AMOUNTS PAID OUT.

25 **31-30-1114. Fund investment in insurance.**

26 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND

1 WITH THE CONCURRENCE OF SIXTY-FIVE PERCENT OF THE FIRE
 2 DEPARTMENT MEMBERS VOTING THEREON AND SIXTY-FIVE
 3 PERCENT OF THE RETIRED FIRE DEPARTMENT MEMBERS VOTING
 4 THEREON, THE BOARD MAY:

5 (a) INSURE THE FIRE DEPARTMENT MEMBERS UNDER THE
 6 FOLLOWING INSURANCE POLICIES ISSUED BY COMPANIES
 7 AUTHORIZED TO DO BUSINESS IN THIS STATE:

8 (I) INDIVIDUAL, GROUP, OR BLANKET LIFE, ENDOWMENT,
 9 OR ANNUITY INSURANCE;

10 (II) VARIABLE ANNUITY INSURANCE; OR

11 (III) DISABILITY OR LIABILITY INSURANCE; AND

12 (b) SPEND ANY PART OF THE FUND TO PAY PREMIUMS ON
 13 THESE POLICIES.

14 (2) THE BOARD SHALL NOT SPEND FUND MONEYS TO
 15 PURCHASE INSURANCE IF THE EXPENDITURE WOULD IMPAIR THE
 16 PENSION FUND'S ABILITY TO:

17 (a) PAY ANNUITIES TO A FIRE DEPARTMENT MEMBER,
 18 SURVIVING SPOUSE, OR DEPENDENT PARENT OR CHILD RECEIVING
 19 ANNUITIES; OR

20 (b) MEET THE FUTURE REQUIREMENTS OF PENSIONS,
 21 BENEFITS, AND AWARDS UNDER THE PLAN.

22 (3) THE BOARD MUST BE THE BENEFICIARY OF ANY
 23 INSURANCE POLICIES, AND THE PROCEEDS OF THE INSURANCE
 24 POLICIES SHALL BE PAID TO THE BOARD AS AN ADDITION TO THE
 25 FUND.

1 **31-30-1115. Warrants.** (1) OFFICERS OF THE
2 MUNICIPALITY OR DISTRICT WHO ARE DESIGNATED BY LAW TO
3 DRAW WARRANTS ON THE TREASURER OF THE MUNICIPALITY OR
4 DISTRICT SHALL DRAW WARRANTS THEREON UPON ORDERS BY THE
5 BOARD, PAYABLE TO THE BOARD'S TREASURER FOR MONEYS
6 BELONGING TO THE FUND.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS
8 SECTION, THE BOARD'S TREASURER SHALL PAY MONEYS ORDERED
9 TO BE PAID FROM THE FUND TO ANY PERSON ONLY UPON
10 WARRANTS SIGNED BY THE BOARD'S PRESIDENT AND
11 COUNTERSIGNED BY THE BOARD'S SECRETARY. A WARRANT
12 SHALL NOT BE DRAWN EXCEPT BY THE BOARD'S ORDER THAT IS
13 DULY ENTERED IN THE RECORDS OF THE BOARD'S PROCEEDINGS.

14 (3) FUND MONEYS IN NONINSURED TRUST PENSION PLANS
15 WITH A BANK OR TRUST COMPANY SHALL BE PAID BY THE TRUSTEE
16 ONLY UPON THE BOARD'S WRITTEN ORDER THAT IS SIGNED BY THE
17 BOARD'S PRESIDENT, COUNTERSIGNED BY THE BOARD'S
18 SECRETARY, AND DULY ENTERED IN THE RECORDS OF THE BOARD'S
19 PROCEEDINGS.

20 **31-30-1116. Treasurer - custodian - segregation of**
21 **moneys.** (1) THE BOARD'S TREASURER AND THE CUSTODIAN
22 APPOINTED BY THE BOARD UNDER SECTION 31-30-1114 ARE THE
23 CUSTODIANS OF THE FUND AND SHALL SECURE AND SAFELY KEEP
24 BOOKS AND ACCOUNTS CONCERNING THE FUND IN THE MANNER AS
25 THE BOARD MAY PRESCRIBE. THE BOOKS AND ACCOUNTS ARE
26 SUBJECT TO INSPECTION BY THE BOARD, ANY BOARD MEMBER, OR

1 ANY OTHER INTERESTED PERSON. UPON EXPIRATION OF THE
2 TREASURER'S OR CUSTODIAN'S TERM OF OFFICE OR APPOINTMENT,
3 THE TREASURER OR CUSTODIAN SHALL SURRENDER AND DELIVER
4 TO THE SUCCESSOR ALL BONDS, SECURITIES, AND UNEXPENDED
5 MONEYS OR OTHER PROPERTY OF THE FUND THAT THE TREASURER
6 OR CUSTODIAN HAS POSSESSED.

7 (2) A MUNICIPALITY OR DISTRICT THAT INCLUDES BOTH
8 PAID AND VOLUNTEER FIREFIGHTERS IN THEIR PENSION PLANS MAY
9 CONSOLIDATE THE FUNDS BUT MUST SEGREGATE THE MONEYS FOR
10 PAID AND VOLUNTEER FIREFIGHTERS ON AN EQUITABLE BASIS FOR
11 ACCOUNTING AND ACTUARIAL PURPOSES. THE SEGREGATION
12 SHALL BE CONSIDERED IN ACTUARIAL REPORTS ON THE FUNDS. IN
13 COMPUTING THE PORTION OF THE FUND ATTRIBUTED TO
14 VOLUNTEER FIREFIGHTERS, VOLUNTEER FIREFIGHTERS' BENEFITS
15 SHALL NOT BE CHANGED.

16 **31-30-1117. Exemption from levy.** (1) EXCEPT FOR AN
17 ASSIGNMENT FOR CHILD SUPPORT PURPOSES AS PROVIDED IN
18 SECTIONS 14-10-118 (1) AND 14-14-107, C.R.S., AND A WRIT OF
19 GARNISHMENT THAT IS THE RESULT OF A JUDGMENT TAKEN FOR
20 ARREARAGES FOR CHILD SUPPORT OR FOR CHILD SUPPORT DEBT,
21 NO PART OF THE FUND, EITHER BEFORE OR AFTER ANY ORDER FOR
22 DISTRIBUTION OF THE FUND TO A FIRE DEPARTMENT MEMBER OR
23 BENEFICIARY OF THE FUND OR THE SURVIVING SPOUSE OR
24 GUARDIAN OF ANY CHILD OF A DECEASED, DISABLED, OR RETIRED
25 FIRE DEPARTMENT MEMBER SHALL BE HELD, SEIZED, TAKEN,
26 SUBJECTED TO, DETAINED, OR LEVIED ON BY VIRTUE OF ANY

1 ATTACHMENT, EXECUTION, PROTEST, OR PROCEEDING OF ANY
2 NATURE WHATSOEVER ISSUED OUT OF OR BY ANY COURT IN THIS
3 OR ANY OTHER STATE FOR THE PAYMENT OR SATISFACTION OF ALL
4 OR PART OF ANY DEBT, DAMAGES, CLAIM, DEMAND, JUDGMENT,
5 FINE, OR AMERCEMENT OF THE MUNICIPALITY OR DISTRICT OR THE
6 FIRE DEPARTMENT MEMBER'S SURVIVING SPOUSE, CHILDREN, OR
7 DESIGNATED BENEFICIARY.

8 (2) EXCEPT AS PROVIDED IN SECTION 31-30-1118, THE
9 FUND MUST BE KEPT, SECURED, AND DISTRIBUTED FOR THE
10 PURPOSE OF ISSUING PENSIONS AND PROTECTING THE PERSONS
11 NAMED IN THIS PART 11 AND FOR NO OTHER PURPOSE
12 WHATSOEVER; EXCEPT THAT THE BOARD MAY ANNUALLY SPEND
13 MONEYS AS IT DEEMS PROPER AND NECESSARY FROM THE FUND
14 FOR NECESSARY EXPENSES CONNECTED WITH THE FUND.

15 **31-30-1118. Fund use - other purposes.** (1) IF THE
16 GOVERNING BODY OF A MUNICIPALITY OR DISTRICT FINDS BY
17 RESOLUTION THAT NO PERSON IS ELIGIBLE FOR PAYMENT OF A
18 FUND BENEFIT, IT MAY AUTHORIZE CONTRIBUTIONS OF FUND
19 MONEYS IN AN AMOUNT EQUAL TO THE UNPAID FUND BENEFIT FOR
20 ANY FIRE-RELATED PURPOSE AND, IF NO FIRE-RELATED PURPOSE
21 EXISTS, FOR ANY PURPOSE AS DETERMINED BY THE GOVERNING
22 BODY OF THE MUNICIPALITY OR DISTRICT.

23 (2) AT LEAST SIXTY DAYS BEFORE ADOPTION OF THIS
24 RESOLUTION, THE GOVERNING BODY OF THE MUNICIPALITY OR
25 DISTRICT SHALL PUBLISH ONE NOTICE IN A NEWSPAPER WITH
26 GENERAL CIRCULATION WITHIN THE MUNICIPALITY OR DISTRICT

1 AND SHALL PROVIDE A COPY OF THE PUBLISHED NOTICE TO THE
2 BOARD OF DIRECTORS OF THE FIRE AND POLICE PENSION
3 ASSOCIATION. THE NOTICE MUST STATE THAT THE INTENT OF THE
4 GOVERNING BODY IS TO USE THE MONEY IN THE FUND FOR THE
5 PURPOSES PERMITTED IN SUBSECTION (1) OF THIS SECTION AND
6 THAT PERSONS WHO BELIEVE THEY ARE OR MAY BE ENTITLED TO
7 BENEFIT PAYMENTS FROM THE FUND HAVE FIFTY DAYS FROM THE
8 DATE OF THE NOTICE IN WHICH TO FILE A WRITTEN OBJECTION
9 WITH THE GOVERNING BODY REGARDING ITS PROPOSED USE OF THE
10 FUND. IF A WRITTEN OBJECTION IS RECEIVED, THE GOVERNING
11 BODY SHALL HOLD A PUBLIC HEARING BEFORE ADOPTION OF THE
12 RESOLUTION. BEFORE THE HEARING, THE GOVERNING BODY SHALL
13 PUBLISH NOTICE OF THE TIME AND PLACE OF THE HEARING AND
14 SEND WRITTEN NOTICE OF THE HEARING BY CERTIFIED MAIL TO
15 EACH PERSON WHO FILES A WRITTEN OBJECTION.

16 (3) IF A PERSON ESTABLISHES A CLAIM TO A BENEFIT
17 FROM THE FUND WITHIN ONE YEAR AFTER ADOPTION OF THIS
18 RESOLUTION, THE MUNICIPALITY OR DISTRICT SHALL REPAY TO
19 THE FUND ANY MONEY PAID FROM THE FUND UNDER THIS SECTION,
20 AND NO SUCH ADDITIONAL PAYMENTS SHALL BE MADE FROM THE
21 FUND.

22 **31-30-1119. Board report.** THE BOARD SHALL MAKE A
23 REPORT TO THE GOVERNING BODY OF THE MUNICIPALITY OR THE
24 BOARD OF DIRECTORS OF ITS DISTRICT, WHICHEVER IS APPLICABLE,
25 ON THE CONDITION OF THE FUND. THE BOARD SHALL SUBMIT THE
26 REPORT TO THE GOVERNING BODY OR BOARD OF DIRECTORS

1 BEFORE THE LAST MEETING IN FEBRUARY AND THE LAST MEETING
2 IN AUGUST OF EACH YEAR.

3 **31-30-1120. Maximum benefit amount.** EXCEPT AS
4 OTHERWISE PROVIDED IN THIS PART 11, A BENEFIT PROVIDED IN
5 THIS PART 11 MUST NOT EXCEED FOUR HUNDRED AND FIFTY
6 DOLLARS PER MONTH.

7 **31-30-1121. Disability pension - rules - hearing.** (1) IF
8 A VOLUNTEER FIREFIGHTER IS INJURED WHILE IN THE LINE OF
9 DUTY AS A VOLUNTEER FIREFIGHTER, THE BOARD SHALL PAY TO
10 THE VOLUNTEER FIREFIGHTER:

11 (a) A SHORT-TERM MONTHLY ANNUITY FOR NOT MORE
12 THAN ONE YEAR IN AN AMOUNT IT DETERMINES IS PROPER AND
13 EQUITABLE, CONSIDERING THE FINANCIAL CONDITION OF THE
14 FUND, BUT NOT MORE THAN ONE-HALF THE AMOUNT STATED IN
15 SECTION 31-30-1120; OR

16 (b) A LONG-TERM MONTHLY ANNUITY FOR A DISABILITY
17 THAT DEPRIVES THE VOLUNTEER FIREFIGHTER OF AN EARNING
18 CAPACITY AND THAT EXTENDS BEYOND ONE YEAR IN AN AMOUNT
19 IT DETERMINES IS PROPER AND NECESSARY, BUT NOT MORE THAN
20 THE AMOUNT STATED IN SECTION 31-30-1120.

21 (2) DISABILITY-PENSION APPLICANTS SHALL BE
22 EXAMINED BY ONE OR MORE PHYSICIANS SELECTED BY THE BOARD
23 AND MAY BE EXAMINED BY ONE OR MORE PHYSICIANS SELECTED
24 BY THE APPLICANT. THE BOARD SHALL PAY FROM THE FUND THE
25 EXPENSES OF THE PHYSICIAN CHOSEN BY THE BOARD.

1 (3) THE BOARD SHALL ADOPT RULES IT DEEMS PROPER
2 CONCERNING THE EXAMINATION OF PERSONS WHO ARE RECEIVING
3 DISABILITY BENEFITS UNDER THIS SECTION TO DETERMINE
4 PERIODICALLY THE FITNESS OF THESE PERSONS. A PERSON WHO IS
5 RECEIVING BENEFITS UNDER THIS SECTION AND WHO IS EITHER
6 FIFTY YEARS OF AGE OR HAS COMPLETED TWENTY YEARS OF
7 ACTIVE DUTY IN THE FIRE DEPARTMENT BEFORE THE DATE
8 DISABILITY BENEFITS UNDER THIS SECTION ARE FIRST PROVIDED
9 SHALL NOT BE REEXAMINED. A PERSON RECEIVING BENEFITS
10 UNDER THIS SECTION SHALL NOT BE EXAMINED BEFORE ONE YEAR
11 AFTER THE DATE DISABILITY BENEFITS UNDER THIS SECTION ARE
12 FIRST PROVIDED AND NOT MORE OFTEN THAN ANNUALLY AFTER
13 THIS DATE.

14 (4) THE BOARD SHALL TERMINATE THE DISABILITY
15 BENEFITS UNDER THIS SECTION OF A PERSON WHO THE BOARD
16 FINDS HAS RECOVERED SUFFICIENTLY FROM THE DISABILITY THAT
17 RESULTED IN THE RECEIPT OF THESE BENEFITS, IS UNDER THE AGE
18 OF FIFTY YEARS, AND HAS SERVED LESS THAN TWENTY YEARS OF
19 ACTIVE DUTY. A PERSON WHOSE BENEFITS ARE TERMINATED
20 UNDER THIS SUBSECTION (4) MAY FILE A WRITTEN PROTEST WITHIN
21 THIRTY DAYS AFTER THE TERMINATION DATE STATING THE
22 OBJECTION TO THE TERMINATION AND REQUESTING A HEARING.
23 THE DECISION OF THE BOARD IS SUSPENDED PENDING A HEARING
24 ON THE PROTEST. AT THE HEARING, THE MEMBER MAY APPEAR
25 AND BE REPRESENTED BY COUNSEL.

1 **31-30-1122. Retirement pension.** (1) THE BOARD OF A
2 MUNICIPALITY, WITH THE PRIOR CONSENT OF THE MUNICIPALITY'S
3 GOVERNING BODY, OR THE BOARD OF A FIRE PROTECTION DISTRICT
4 OR COUNTY IMPROVEMENT DISTRICT MAY PAY A RETIREMENT
5 PENSION TO A VOLUNTEER FIREFIGHTER WHO HAS TWENTY YEARS
6 OF ACTIVE SERVICE AND WHO IS OVER THE AGE OF FIFTY YEARS.
7 THE RETIREMENT PENSION SHALL BE AN AMOUNT DETERMINED BY
8 THE BOARD OF NOT MORE THAN ONE HUNDRED DOLLARS PER
9 MONTH, UNLESS AN ACTUARIAL REVIEW INDICATES A HIGHER
10 PAYMENT IS ACTUARIALLY SOUND, BUT IN NO CASE SHALL THE
11 RETIREMENT PENSION EXCEED THE AMOUNT STATED IN SECTION
12 31-30-1120. THE BOARD SHALL PAY THE AMOUNT OF THE
13 RETIREMENT PENSION DETERMINED UNDER THIS SECTION TO ALL
14 RETIRED FIRE DEPARTMENT MEMBERS. A VOLUNTEER FIREFIGHTER
15 SHALL NOT RECEIVE A RETIREMENT PENSION FOR SERVICE IN A
16 FIRE DEPARTMENT WHILE THE FIREFIGHTER IS AN ACTIVE MEMBER
17 OF THAT DEPARTMENT. A VOLUNTEER FIREFIGHTER SHALL
18 MAINTAIN A MINIMUM TRAINING PARTICIPATION IN THE FIRE
19 DEPARTMENT OF THIRTY-SIX HOURS EACH YEAR TO QUALIFY FOR
20 RETIREMENT BENEFITS. A VOLUNTEER FIREFIGHTER WHO HAS
21 SERVED TWENTY YEARS AND WHO HAS NOT REACHED THE AGE OF
22 FIFTY YEARS MAY BE GRANTED A LEAVE OF ABSENCE AND RETAIN
23 ALL RIGHTS TO A RETIREMENT PENSION AND IS ENTITLED TO THE
24 RETIREMENT PENSION WHEN THE FIREFIGHTER IS FIFTY YEARS OF
25 AGE.

1 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION.
2 THE BOARD MAY PAY A RETIREMENT PENSION TO A VOLUNTEER
3 FIREFIGHTER WHO HAS TEN YEARS OF ACTIVE SERVICE IF THE
4 MUNICIPALITY'S OR DISTRICT'S FUND IS ACTUARIALLY SOUND.
5 THE BOARD SHALL NOT PAY THIS RETIREMENT PENSION UNTIL THE
6 VOLUNTEER FIREFIGHTER IS FIFTY YEARS OF AGE. THE AMOUNT
7 OF THIS RETIREMENT PENSION SHALL BE DETERMINED BY
8 PRORATING THE AMOUNT OF THE RETIREMENT PENSION UNDER
9 SUBSECTION (1) OF THIS SECTION BASED ON THE VOLUNTEER
10 FIREFIGHTER'S YEARS OF SERVICE.

11 **31-30-1123. Retirement pension - sources of payment.**
12 THE RETIREMENT PENSION OF A VOLUNTEER FIREFIGHTER WHO
13 HAS EARNED TWENTY YEARS OF ACTIVE SERVICE AS A VOLUNTEER
14 FIREFIGHTER FOR ANY ONE MUNICIPALITY OR DISTRICT SHALL BE
15 PAID FROM THE FUND OF THAT MUNICIPALITY OR DISTRICT, AND
16 NO OTHER FUND SHALL PAY A PENSION TO THAT VOLUNTEER
17 FIREFIGHTER. THE RETIREMENT PENSION OF A VOLUNTEER
18 FIREFIGHTER WHO EARNS TWENTY YEARS OF ACTIVE SERVICE AS A
19 VOLUNTEER FIREFIGHTER AFTER JUNE 2, 1977, BY SERVING MORE
20 THAN ONE MUNICIPALITY OR DISTRICT SHALL BE PAID FROM THE
21 FUND OF EACH MUNICIPALITY OR DISTRICT FOR WHICH THE
22 VOLUNTEER FIREFIGHTER SERVED AT LEAST FIVE YEARS. THE
23 LENGTH OF SERVICE IS VESTED FOR PENSION PURPOSES UNDER THIS
24 PART 11 WHEN A VOLUNTEER FIREFIGHTER SERVES A
25 MUNICIPALITY OR DISTRICT FOR AT LEAST FIVE YEARS. THE
26 AMOUNT PAID BY EACH FUND FOR EACH YEAR OF SERVICE WITH

1 THE PARTICULAR MUNICIPALITY OR DISTRICT SHALL EQUAL
 2 ONE-TWENTIETH OF THE RETIREMENT PENSION BEING PAID BY
 3 THAT FUND ON THE DAY THE VOLUNTEER FIREFIGHTER LEFT THE
 4 SERVICE OF THE PARTICULAR MUNICIPALITY OR DISTRICT. THE
 5 RETIREMENT PENSION OF A VOLUNTEER FIREFIGHTER WHO EARNS
 6 TWENTY YEARS OF ACTIVE SERVICE AS A VOLUNTEER FIREFIGHTER
 7 BY SERVING MORE THAN ONE MUNICIPALITY OR DISTRICT SHALL BE
 8 PAID ONLY BY THE MUNICIPALITY OR DISTRICT LAST SERVED BY
 9 THAT VOLUNTEER FIREFIGHTER IF ANY PART OF THE TWENTY
 10 YEARS OF SERVICE WAS EARNED ON OR BEFORE JUNE 2, 1977. IN
 11 NO EVENT SHALL A VOLUNTEER FIREFIGHTER RECEIVE A TOTAL
 12 RETIREMENT BENEFIT FROM ALL VOLUNTEER FIREFIGHTER PENSION
 13 FUNDS EXCEEDING THE AMOUNT STATED IN SECTION 31-30-1120.

14 **31-30-1124. Compliance - insufficient moneys.**

15 (1) THE BOARD MAY REQUIRE INFORMATION, INCLUDING PROOF
 16 OF YEARS OF SERVICE, AND ESTABLISH PROCEDURES AS IT DEEMS
 17 NECESSARY TO ENSURE COMPLIANCE WITH THE REQUIREMENTS
 18 AND LIMITATIONS OF SECTIONS 31-30-1122 AND 31-30-1123.

19 (2) IF AT ANY TIME MONEY OR OTHER PROPERTY IN THE
 20 FUND IS INSUFFICIENT TO PAY THE FULL AMOUNT PER MONTH TO
 21 WHICH EACH VOLUNTEER FIREFIGHTER RECEIVING A PENSION
 22 UNDER THIS PART 11 AND OTHER BENEFICIARY OF THE FUND IS
 23 ENTITLED, AN EQUAL PERCENTAGE OF THE MONTHLY PAYMENT
 24 SHALL BE MADE TO THOSE VOLUNTEER FIREFIGHTERS AND OTHER
 25 BENEFICIARIES UNTIL THE FUND IS REPLENISHED IN AN AMOUNT

1 THAT PERMITS PAYMENT IN FULL TO THOSE VOLUNTEER
 2 FIREFIGHTERS AND OTHER BENEFICIARIES.

3 **31-30-1125. Supplemental retirement pension.** (1) IN

4 ADDITION TO THE MONTHLY RETIREMENT PENSION PROVIDED BY
 5 SECTION 31-30-1122, THE BOARD OF A MUNICIPALITY, WITH THE
 6 PRIOR CONSENT OF THE MUNICIPALITY'S GOVERNING BODY, OR THE
 7 BOARD OF A FIRE PROTECTION DISTRICT OR COUNTY IMPROVEMENT
 8 DISTRICT MAY PAY A SUPPLEMENTAL MONTHLY RETIREMENT
 9 PENSION TO A VOLUNTEER FIREFIGHTER WHO IS FIFTY YEARS OF
 10 AGE AND WHO HAS BEEN IN ACTIVE SERVICE MORE THAN TWENTY
 11 YEARS IF:

12 (a) AN ACTUARIAL REVIEW INDICATES A SUPPLEMENTAL
 13 MONTHLY PENSION PAYMENT IS ACTUARIALLY SOUND; AND

14 (b) SIXTY-FIVE PERCENT OF THE TOTAL NUMBER OF FIRE
 15 DEPARTMENT MEMBERS AND RETIRED FIRE DEPARTMENT MEMBERS
 16 GIVE PRIOR APPROVAL.

17 (2) THE SUPPLEMENTAL MONTHLY PENSION PAYMENT
 18 SHALL NOT EXCEED FIVE PERCENT OF THE MONTHLY PENSION
 19 PAYMENT PROVIDED BY SECTION 31-30-1122 MULTIPLIED BY THE
 20 NUMBER OF YEARS OF ACTIVE SERVICE IN EXCESS OF TWENTY
 21 YEARS, UP TO A MAXIMUM OF TEN YEARS; EXCEPT THAT THE
 22 TOTAL OF THE MONTHLY RETIREMENT PENSION PAYMENT
 23 PROVIDED BY SECTION 31-30-1122 AND THE SUPPLEMENTAL
 24 MONTHLY PENSION PAYMENT SHALL NOT EXCEED THE AMOUNT
 25 STATED IN SECTION 31-30-1120.

1 **31-30-1126. Survivor benefit.** (1) UPON THE DEATH OF
 2 A RETIRED FIRE DEPARTMENT MEMBER OR A VOLUNTEER
 3 FIREFIGHTER WHO, REGARDLESS OF AGE, HAS SERVED THE
 4 REQUISITE NUMBER OF YEARS FOR RETIREMENT UNDER SECTION
 5 31-30-1122 AND WHO LEAVES A SURVIVING SPOUSE, THE BOARD
 6 MAY PAY AN ANNUITY OF NOT MORE THAN FIFTY PERCENT OF THE
 7 CURRENT PENSION PAYMENT FOR A RETIRED FIRE DEPARTMENT
 8 MEMBER IF THE FUND IS ACTUARIALY SOUND. IF THE VOLUNTEER
 9 FIREFIGHTER HAD LESS THAN TWENTY YEARS OF ACTIVE SERVICE,
 10 THE ANNUITY TO THE SURVIVING SPOUSE SHALL BE PRORATED
 11 BASED UPON THE NUMBER OF YEARS OF SERVICE.

12 (2) THIS ANNUITY TO THE SURVIVING SPOUSE SHALL
 13 CEASE IF THE SURVIVING SPOUSE REMARRIES. DISSOLUTION OF A
 14 SUBSEQUENT MARRIAGE DOES NOT REINSTATE THE ANNUITY. A
 15 SURVIVING SPOUSE SHALL NOT RECEIVE BOTH AN ANNUITY UNDER
 16 SECTION 31-30-1129 AND AN ANNUITY UNDER THIS SECTION.

17 **31-30-1127. Survivor benefit - death from injuries in**
 18 **the line of duty.** (1) IF A FIRE DEPARTMENT MEMBER DIES FROM
 19 INJURIES RECEIVED WHILE IN THE LINE OF DUTY AS A VOLUNTEER
 20 FIREFIGHTER AND LEAVES A SURVIVING SPOUSE, THE BOARD SHALL
 21 PAY THE SURVIVING SPOUSE A MONTHLY ANNUITY EITHER IN AN
 22 AMOUNT THE BOARD DEEMS PROPER AND NECESSARY, BUT NOT
 23 MORE THAN ONE-HALF THE AMOUNT PROVIDED IN SECTION
 24 31-30-1120, OR WITHIN LIMITS PRESCRIBED BY MUNICIPAL
 25 ORDINANCE OR BY RULES OF THE BOARD OF THE AFFECTED
 26 MUNICIPALITY OR DISTRICT. THE ANNUITY SHALL CEASE IF THE

1 SURVIVING SPOUSE REMARRIES. DISSOLUTION OF A SUBSEQUENT
 2 MARRIAGE DOES NOT REINSTATE THE ANNUITY.

3 (2) IF THERE IS NO SURVIVING SPOUSE AS PROVIDED IN
 4 SUBSECTION (1) OF THIS SECTION BUT THERE IS A SURVIVING CHILD
 5 OF THE DECEASED VOLUNTEER FIREFIGHTER UNDER EIGHTEEN
 6 YEARS OF AGE, THE BOARD SHALL PAY A MONTHLY ANNUITY
 7 EITHER IN AN AMOUNT THE BOARD DEEMS PROPER OR NECESSARY,
 8 BUT NOT MORE THAN ONE-HALF THE AMOUNT PROVIDED IN
 9 SECTION 31-30-1120, OR WITHIN LIMITS PRESCRIBED BY MUNICIPAL
 10 ORDINANCE OR BY RULES OF THE BOARD OF THE AFFECTED
 11 MUNICIPALITY OR DISTRICT. THE BOARD SHALL PAY THIS ANNUITY
 12 TO THE GUARDIAN OF THE CHILD ON BEHALF OF THE CHILD. THE
 13 ANNUITY SHALL CEASE WHEN THE CHILD IS EIGHTEEN YEARS OF
 14 AGE.

15 (3) IF THERE IS NO SURVIVING SPOUSE OR CHILD AS
 16 PROVIDED IN SUBSECTIONS (1) AND (2) OF THIS SECTION BUT THERE
 17 IS A SURVIVING DEPENDENT PARENT OF THE DECEASED VOLUNTEER
 18 FIREFIGHTER, THE BOARD SHALL PAY THE DEPENDENT PARENT A
 19 MONTHLY ANNUITY EITHER IN AN AMOUNT THE BOARD DEEMS
 20 PROPER AND NECESSARY, BUT NOT MORE THAN ONE-HALF THE
 21 AMOUNT PROVIDED IN SECTION 31-30-1120, OR WITHIN LIMITS
 22 PRESCRIBED BY MUNICIPAL ORDINANCE OR BY RULES OF THE
 23 BOARD OF THE AFFECTED MUNICIPALITY OR DISTRICT. THE
 24 ANNUITY SHALL CEASE IF THE DEPENDENT PARENT REMARRIES.
 25 DISSOLUTION OF A SUBSEQUENT MARRIAGE DOES NOT REINSTATE
 26 THE ANNUITY.

1 (4) THE BENEFITS UNDER THIS SECTION ARE IN ADDITION
2 TO THE EDUCATIONAL BENEFITS UNDER SECTION 23-3.3-205,
3 C.R.S.

4 **31-30-1128. Funeral benefit.** WHEN AN ACTIVE
5 VOLUNTEER FIREFIGHTER OR RETIRED FIRE DEPARTMENT MEMBER
6 DIES, THE BOARD SHALL PAY A FUNERAL BENEFIT TO ASSIST IN THE
7 PROPER BURIAL OF THE DECEASED FIREFIGHTER IN AN AMOUNT
8 DETERMINED BY THE BOARD OF NOT MORE THAN TWICE THE
9 AMOUNT DETERMINED BY THE BOARD UNDER SECTION 31-30-1122,
10 BUT NOT LESS THAN ONE HUNDRED DOLLARS, NOTWITHSTANDING
11 SECTION 31-30-1120. THE BOARD SHALL PAY THIS FUNERAL
12 BENEFIT TO ANY PERSON WHO PAYS THE NECESSARY FUNERAL
13 EXPENSES.

14 **31-30-1129. Fire department dissolution.** (1) IF A FIRE
15 DEPARTMENT DISSOLVES AND THE SERVICES OF VOLUNTEER
16 FIREFIGHTERS OR THE FIRE DEPARTMENT ARE DISCONTINUED:

17 (a) THE BENEFITS PAID UNDER THIS PART 11 TO
18 VOLUNTEER FIREFIGHTERS OR THEIR SURVIVING SPOUSES AND
19 DEPENDENT PARENTS AND CHILDREN AT THE TIME OF THE
20 DISSOLUTION SHALL CONTINUE;

21 (b) ASSETS OF THE FUND SHALL BE TRANSFERRED WITH
22 OTHER ASSETS OF THE FIRE DEPARTMENT AND SHALL BE
23 ADMINISTERED BY THE BOARD OF TRUSTEES OF THE SUCCESSOR
24 PENSION FUND;

1 (c) IN NO EVENT SHALL THE RATE OF COMPENSATION BE
2 ALTERED EITHER AFTER COMMENCEMENT OF PROCEEDINGS FOR
3 DISSOLUTION HAS OCCURRED OR AFTER ITS COMPLETION;

4 (d) A VOLUNTEER FIREFIGHTER WHO HAS ACCRUED TEN
5 OR MORE YEARS OF ACTIVE SERVICE AT THE TIME OF THE
6 DISSOLUTION SHALL BE GRANTED AN ANNUITY AFTER THE
7 FIREFIGHTER IS FIFTY YEARS OF AGE. THE ANNUITY SHALL BE
8 PRORATED IN ACCORDANCE WITH THE NUMBER OF YEARS OF
9 SERVICE AND THE AMOUNT OF ANNUITY BEING PAID FOR AGE AND
10 SERVICE PENSIONS BY THE BOARD AT THE TIME OF THE
11 DISSOLUTION.

12 **31-30-1130. Volunteer firefighter - employment**
13 **termination restricted.** (1) AN EMPLOYER SHALL NOT
14 TERMINATE AN EMPLOYEE WHO IS A VOLUNTEER FIREFIGHTER AND
15 WHO FAILS TO REPORT TO WORK BECAUSE THE EMPLOYEE HAS
16 RESPONDED TO AN EMERGENCY SUMMONS IF THE EMPLOYEE
17 PROVIDES THE EMPLOYER WITH A WRITTEN STATEMENT FROM THE
18 CHIEF OF THE FIRE DEPARTMENT THAT THE EMPLOYEE'S ABSENCE
19 WAS DUE TO THE RESPONSE.

20 (2) AN EMPLOYER MAY DEDUCT TIME LOST FROM
21 EMPLOYMENT CAUSED BY A RESPONSE TO AN EMERGENCY
22 SUMMONS FROM THE WAGES OF AN EMPLOYEE WHO IS A
23 VOLUNTEER FIREFIGHTER.

24 **SECTION 3.** 24-33.5-1205 (1) (b), Colorado Revised
25 Statutes, 1988 Repl. Vol.; as amended, is amended to read:

1 **24-33.5-1205. Duties of the advisory board.** (1) The
2 advisory board has the following duties relating to the firefighter
3 certification program:

4 (b) To ensure that the quality and uniformity of the
5 program is adequate to provide minimum training standards and
6 to meet the requirements for volunteer firefighters in section
7 ~~31-30-415 (8) (a)~~ 31-30-1122, C.R.S.;

8 **SECTION 4.** 30-20-512 (1) (n) (I), Colorado Revised
9 Statutes, 1986 Repl. Vol., as amended, is amended to read:

10 **30-20-512. General powers of district.** (1) The district
11 has the following limited powers:

12 (n) In a district providing fire protection services:

13 (I) To create and maintain a firemen's pension fund,
14 under the provisions of parts 4 and 8 of article 30 of title 31,
15 C.R.S., subject to the provisions of part 10 of said article, AND
16 A VOLUNTEER FIREFIGHTER PENSION FUND UNDER PART 11 OF
17 ARTICLE 30 OF TITLE 31, C.R.S.; and

18 **SECTION 5.** 31-30-401, Colorado Revised Statutes,
19 1986 Repl. Vol., as amended, is amended to read:

20 ~~31-30-401.~~ **Board of trustees of firemen's pension**
21 **fund.** In any municipality, fire protection district, or county
22 improvement district in this state which maintains a regularly
23 organized ~~volunteer or paid~~ fire department or fire department aid
24 association, there is hereby created and established a board of
25 trustees of the firemen's pension fund, referred to in this part 4 as
26 the "board". The firemen's pension fund, referred to in this part

1 4 as the "fund". shall be derived from the sources and in the
2 manner provided in this part 4. The fund shall be managed, used,
3 and disbursed according to the provisions of this part 4 by the
4 board in conformity with its rules and bylaws. and said board is
5 vested with the general supervision and control of said fund. The
6 board is authorized to take all necessary steps and pursue all
7 necessary remedies for its preservation.

8 **SECTION 6.** 31-30-405 (5), Colorado Revised Statutes,
9 1986 Repl. Vol., is amended to read:

10 **31-30-405. State treasurer to pay over funds.** (5) A
11 paid fireman is any fireman whose main source of income is
12 derived from service on a fire department. All other firemen who
13 render service to a fire department are volunteer ~~firemen~~
14 **FIREFIGHTERS.**

15 **SECTION 7.** 31-30-408, Colorado Revised Statutes,
16 1986 Repl. Vol., as amended, is amended to read:

17 ~~31-30-408.~~ **Age retirement pension.** Except as provided
18 in section 31-30-511, any member, officer, or employee of any
19 paid fire department of a municipality, fire protection district, or
20 county improvement district who has reached the age of fifty
21 years and who has served for a period of twenty years of active
22 service in any such department in this state is entitled to a
23 monthly pension equal to one-half the amount of ~~his~~ THEIR
24 monthly salary as of the date of ~~his~~ THEIR retirement plus, if the
25 governing body of the municipality, the board of directors of the
26 fire protection district, or the board of the county improvement

1 district authorizes such additional benefits, one-half of any
 2 increase in salary and longevity or additional pay based on length
 3 of service granted during the period of ~~his~~ THEIR retirement to the
 4 rank occupied by ~~him~~ THEM in said department. Any member,
 5 officer, or employee of a paid fire department of a municipality,
 6 fire protection district, or county improvement district, who has
 7 served prior time in a volunteer fire department in any
 8 municipality, fire protection district, or county improvement
 9 district in this state, in the event ~~he becomes~~ THEY BECOME a paid
 10 member, ~~shall~~ MAY be credited service time, AT THEIR
 11 DISCRETION, at the rate of one year of paid service for each four
 12 complete years of volunteer time; EXCEPT THAT THEY SHALL NOT
 13 RECEIVE BOTH A PENSION UNDER PART 11 OF THIS ARTICLE AND A
 14 SERVICE CREDIT UNDER THIS SECTION.

15 **SECTION 8.** 31-30-415 (7), Colorado Revised Statutes,
 16 1986 Repl. Vol., as amended, is amended to read:

17 **31-30-415. Insurance - fire department dissolution.**

18 (7) The board in any municipality, fire protection district, or
 19 county improvement district having a paid ~~or volunteer~~ fire
 20 department or a fire department aid association is hereby
 21 authorized, with the consent in writing of a majority of the
 22 members of such department or association, to insure the
 23 members of such ~~paid or volunteer~~ fire department or fire
 24 department aid association by insurance policies of individual,
 25 group, or blanket life, endowment, or annuity insurance, variable
 26 annuity insurance, or disability or liability insurance in and from

1 companies authorized to do business in Colorado and to expend
 2 any portion of such pension fund for the purpose of paying the
 3 premiums on any such policies. but the expending of said funds
 4 shall not impair the ability of such pension funds to pay the
 5 annuities to a member, surviving spouse or dependent parent or
 6 children receiving such annuities.

7 **SECTION 9.** 31-30-418, Colorado Revised Statutes,
 8 1986 Repl. Vol., is amended to read:

9 **31-30-418. Applicability.** The provisions of this part 4
 10 shall be subject to the provisions of part 10 of this article. THIS
 11 PART 4 APPLIES ONLY TO MEMBERS OF PAID FIRE DEPARTMENTS
 12 AND FIRE DEPARTMENT AID ASSOCIATIONS.

13 **SECTION 10.** 31-30-803 (2) and (6), Colorado Revised
 14 Statutes, 1986 Repl. Vol., are amended to read:

15 **31-30-803. Definitions.** As used in this part 8, unless
 16 the context otherwise requires:

17 (2) "Employee" means any fireman, except any
 18 volunteer ~~fireman~~ FIREFIGHTER, or police officer employed by an
 19 employer who is eligible for the benefits provided pursuant to part
 20 3, 4, 5, or 6 of this article.

21 (6) ~~"Volunteer fireman" means any fireman who renders~~
 22 ~~service to a fire department and who does not receive~~
 23 ~~compensation pursuant to a contract of employment as a fireman.~~
 24 ~~A volunteer fireman may be reimbursed for actual expenses~~
 25 ~~incurred, including salary lost as a consequence of actual~~
 26 ~~firefighting duties which absent the volunteer firefighter from~~

1 ~~normal employment, but such reimbursement shall not be~~
2 ~~considered compensation~~ "VOLUNTEER FIREFIGHTER" HAS THE
3 SAME MEANING AS PROVIDED IN SECTION 31-30-1102 (9).

4 **SECTION 11.** 31-30-805 (4) and (7), Colorado Revised
5 Statutes, 1986 Repl. Vol., as amended, are amended to read:

6 **31-30-805. Limitation on existing funds - procedures.**

7 (4) All municipalities, fire protection districts, and county
8 improvement districts, including both paid FIREMEN and volunteer
9 ~~firemen~~ FIREFIGHTERS in their pension plans, shall segregate the
10 pension funds for paid FIREMEN and volunteer ~~firemen~~
11 FIREFIGHTERS on an equitable basis for accounting and actuarial
12 purposes, and said segregation shall be considered in all actuarial
13 reports applicable to such funds. In computing the portion of the
14 fund attributable to volunteer ~~firemen~~ FIREFIGHTERS, the benefits
15 of such volunteer ~~firemen~~ FIREFIGHTERS shall not be reduced or
16 otherwise changed.

17 (7) Volunteer ~~firemen~~ FIREFIGHTERS and ~~pension funds~~
18 ~~of volunteer firemen~~ FIREFIGHTER PENSION FUNDS shall be exempt
19 from all provisions of this section except subsection (4) of this
20 section.

21 **SECTION 12.** 31-30-901 (2) (n), Colorado Revised
22 Statutes, 1986 Repl. Vol., is amended to read:

23 **31-30-901. Commission created - duties.** (2) The
24 commission shall study and develop proposed legislation relating
25 to funding of policemen's and firemen's pensions in this state and
26 benefit designs of such pension plans. The commission study

1 shall include a review of, and the proposed legislation may
2 include, among other subjects, the following:

3 (n) The volunteer ~~firemen's~~ FIREFIGHTER pension
4 system;

5 **SECTION 13.** 31-30-1002 (5), Colorado Revised
6 Statutes, 1986 Repl. Vol., as amended, is amended to read:

7 **31-30-1002. Definitions.** As used in this part 10, unless
8 the context otherwise requires:

9 (5) "Member" means an active employee who is a
10 full-time salaried employee of a municipality, fire protection
11 district, or county improvement district normally serving at least
12 one thousand six hundred hours in any calendar year and whose
13 duties are directly involved with the provision of police or fire
14 protection, as certified by ~~his~~ THE MEMBER's employer. The term
15 also includes any former employee who is retired, ~~is~~ disabled, or
16 ~~is~~ eligible for a benefit as provided in section 31-30-1011 (2), but
17 the term does not include clerical or other personnel whose
18 services are auxiliary to police or fire protection. "Member" does
19 not include any volunteer ~~fireman~~ FIREFIGHTER, as such term is
20 defined in section ~~31-30-803 (6)~~ 31-30-1102 (9). For the purpose
21 of eligibility for disability or survivor benefits, "member" includes
22 any employee on an authorized leave of absence.

23 **SECTION 14.** 31-30-1004 (2) (a) (V), Colorado
24 Revised Statutes, 1986 Repl. Vol., is amended to read:

25 **31-30-1004. Association - creation - board -**
26 **organization.** (2) (a) Effective September 1, 1981, the governing

1 body of the association shall be a board of directors consisting of
2 nine members appointed by the governor and confirmed by the
3 senate as follows:

4 (V) One member of a board of directors of a special
5 district or the full-time paid professional manager of a special
6 district who shall represent special districts having volunteer
7 ~~firemen~~ FIREFIGHTERS;

8 SECTION 15. 31-30-1005 (1) (k), (4), (7) (a) (II), and
9 (8) (a) (I) (B), Colorado Revised Statutes, 1986 Repl. Vol., as
10 amended, are amended to read:

11 31-30-1005. Powers and duties of the board. (1) The
12 board shall:

13 (k) Make agreements with governing bodies ~~which~~ THAT
14 provide pension plans for volunteer ~~firemen~~ FIREFIGHTERS to
15 administer such plans and manage the funds of such plans for
16 investment.

17 (4) (a) The board shall provide for and determine the
18 cost of a statewide accidental death and disability insurance policy
19 to cover all ~~volunteers~~ VOLUNTEER FIREFIGHTERS serving in
20 volunteer or paid and volunteer fire departments, the insurance to
21 be applicable only when serving as a volunteer ~~fireman~~
22 FIREFIGHTER. The policy shall be paid for as provided in section
23 ~~31-30-1014~~ 31-30-1113 from proceeds of the tax imposed by
24 section 10-3-209, C.R.S.

25 (b) The board shall set the amount of coverage to be
26 provided for each volunteer FIREFIGHTER, take competitive bids

1 for the policy from insurers, and make such rules and regulations
2 as may be necessary to provide for the policy.

3 (c) The insurer shall have sole power to determine
4 disability for volunteer ~~firemen~~ FIREFIGHTERS under the policy
5 provided by this subsection (4).

6 (d) ~~Local boards may provide accidental death and~~
7 ~~disability insurance coverage for their volunteer firemen in~~
8 ~~addition to, but not in lieu of, the policy provided for by this~~
9 ~~subsection (4).~~

10 (7) (a) The board may enter into contracts with carriers
11 to provide group health insurance plans for the following
12 individuals if they are receiving a benefit from another plan
13 administered by the association:

14 (II) A retired volunteer ~~fireman~~ FIREFIGHTER;

15 (8) (a) (I) The board may enter into contracts with
16 carriers to provide group life insurance coverage to active
17 members of paid pension plans administered by the association
18 and, if they are receiving a benefit from another plan administered
19 by the association, to the following individuals:

20 (B) A retired volunteer ~~fireman~~ FIREFIGHTER;

21 SECTION 16. 31-30-1012 (1) (a), Colorado Revised
22 Statutes, 1986 Repl. Vol., is amended to read:

23 31-30-1012. Fund - creation - management.

24 (1) (a) There is hereby created the fire and police members'
25 benefit fund, which shall consist of moneys of employers in the
26 association and moneys of fire and police benefit plans, including

1 member, employer, and any state contributions made pursuant to
 2 this part 10, fees collected, gifts received, unclaimed deposits, and
 3 investment income, together with the assets of funds established
 4 pursuant to part 3, 4, 5, 6, or ~~6~~ 11 of this article, of those
 5 employers not in the association electing to have their funds
 6 managed by the board, those employers electing affiliation as
 7 provided in section 31-30-1003 (3), and those volunteer ~~firemen's~~
 8 FIREFIGHTER departments electing to have their funds administered
 9 and managed by the board pursuant to section 31-30-1005 (1) (k).
 10 The board shall keep an accurate account of each employer's AND
 11 DEPARTMENT'S fund and shall disburse moneys in accordance with
 12 the provisions of this part 10 AND PART 11 OF THIS ARTICLE.

13 SECTION 17. 31-30-1014 (4) (a) and (5), Colorado
 14 Revised Statutes, 1986 Repl. Vol., as amended, are amended, and
 15 the said 31-30-1014 is further amended BY THE ADDITION OF
 16 A NEW SUBSECTION, to read:

17 31-30-1014. State contribution. (4) (a) After the
 18 disbursements made pursuant to ~~subsections~~ SUBSECTION (2) and
 19 ~~(3)~~ of this section, any moneys allocated for distribution
 20 remaining in the fund shall be distributed by the board annually
 21 to any employer having an accrued unfunded liability to assist in
 22 amortizing such accrued unfunded liability as determined in the
 23 report of the state auditor to the commission created by part 9 of
 24 this article, which report was submitted no later than September
 25 1, 1978, or as updated by the state auditor. Moneys shall be
 26 credited to the various employers in proportion to the percentage

1 of aggregate accrued unfunded liabilities each employer
 2 represents, but no money shall be distributed pursuant to this
 3 subsection (4) to an employer having rank escalation for members
 4 hired before April 8, 1978, which is not in the association. For
 5 the purposes of this subsection (4), "rank escalation" means the
 6 addition to the amount of the retirement pension or disability
 7 benefit being received of a fixed percentage of any increase in
 8 salary, as well as longevity or additional pay based on length of
 9 service, granted the rank a member occupied before retiring or
 10 being disabled.

11 (5) On September 30 of each year, the state treasurer
 12 shall transfer ~~twenty million dollars~~ from the proceeds of the tax
 13 imposed by section 10-3-209, C.R.S., to the fund created by
 14 section 31-30-1012, AN AMOUNT EQUAL TO TWENTY MILLION
 15 DOLLARS MINUS THE AMOUNT TRANSFERRED UNDER SECTION 31-
 16 30-1112 (2) (e) (I). However, on September 30, 1987, the
 17 amount transferred shall be five million five hundred thousand
 18 dollars and not twenty million dollars, which shall be used for the
 19 purposes set forth in ~~subsections (2) and~~ SUBSECTION (3) of this
 20 section. Such annual transfer to the fund shall cease when the
 21 requirements of paragraph (c) of subsection (4) of this section
 22 have been met, and the final annual transfer may be in an amount
 23 less than twenty million dollars as determined from the total
 24 amount of accrued unfunded liability of employers described in
 25 the biennial report prepared pursuant to paragraph (d) of
 26 subsection (4) of this section. Moneys in said fund shall not revert

1 to the general fund but shall be continuously available for the
2 purposes provided in this part 10 AND PART 11 OF THIS ARTICLE.

3 (8) CONTRIBUTIONS TO A MUNICIPALITY, FIRE
4 PROTECTION DISTRICT, OR COUNTY IMPROVEMENT DISTRICT IN THIS
5 STATE THAT MAINTAINS A REGULARLY ORGANIZED VOLUNTEER
6 FIRE DEPARTMENT AND THAT OFFERS FIRE PROTECTION SERVICES
7 SHALL BE MADE UNDER PART 11 OF THIS ARTICLE.

8 SECTION 18. 32-1-702 (4) (b) (I), Colorado Revised
9 Statutes, as amended, is amended to read:

10 32-1-702. Requirements for dissolution petition.

11 (4) The petition for dissolution shall also provide for one of the
12 following:

13 (b) (I) A plan for dissolution specifically providing that
14 services are to be continued within the special district by one or
15 more regional service authorities, municipalities, counties,
16 intergovernmental authorities formed and operated under part 2 of
17 article 1 of title 29, C.R.S., or other special districts, or any
18 combination thereof, and incorporating an agreement with such
19 regional service authority, municipality, county, intergovernmental
20 authority, or other special district, or any combination thereof,
21 under which responsibility for all services presently provided by
22 the special district will be assumed by such entity. Such
23 agreement shall provide for the operation and maintenance of the
24 system or facilities of the special district by the regional service
25 authority, municipality, county, intergovernmental authority, or
26 other special district, provisions for service, rates, and charges,

1 and, if applicable, provisions concerning acquisition of the special
2 district's system or facilities, consolidation or inclusion of
3 territory, and procedures for contract modification, employee
4 rights, and retirement benefits. Such agreement may include
5 provisions for certification of levies by the special district
6 continuing in existence under paragraph (c) of subsection (3) of
7 this section, the contracting regional service authority,
8 municipality, county, intergovernmental authority, or other special
9 district providing the services. Any agreement concerning fire
10 protection districts entered into pursuant to this subsection (4)
11 shall include provisions for the continuation of paid employees'
12 rights pursuant to section 32-1-1002 (2) and the retirement
13 benefits of paid ~~and volunteer~~ firemen as provided in parts 4, 8,
14 and 10 of article 30 of title 31, C.R.S., AND THE RETIREMENT
15 BENEFITS OF VOLUNTEER FIREFIGHTERS UNDER PART 11 OF
16 ARTICLE 30 OF TITLE 31, C.R.S.

17 SECTION 19. 32-1-1002 (1) (g), Colorado Revised
18 Statutes, as amended, is amended to read:

19 32-1-1002. Fire protection districts - additional
20 powers and duties. (1) In addition to the powers specified in
21 section 32-1-1001, the board of any fire protection district has the
22 following powers for and on behalf of such district:

23 (g) To create and maintain a PAID firemen's pension
24 fund, under the provisions of parts 4 and 8 of article 30 of title
25 31, C.R.S., subject to the provisions of part 10 of said article,

1 AND A VOLUNTEER FIREFIGHTER PENSION FUND UNDER PART 11 OF
2 ARTICLE 30 OF TITLE 31, C.R.S.;

3 SECTION 20. **Repeal.** 31-30-415 (1), (2), (3), (4), (5),
4 (6), (8), and (10), 31-30-415.5, and 31-30-1014 (3) and (6),
5 Colorado Revised Statutes, 1986 Repl. Vol., as amended, are
6 repealed.

7 SECTION 21. **Applicability.** (1) This act shall not
8 affect the terms of members of the boards of trustees created to
9 administer volunteer firemen's pension funds under part 4 of
10 article 30 of title 31, Colorado Revised Statutes, as in effect on
11 the day before the effective date of this act, in any municipality,
12 fire protection district, or county improvement district in this state
13 that maintains a regularly organized volunteer fire department.
14 On and after the effective date of this act, these board members
15 shall continue their terms and duties on the applicable boards of
16 trustees of the volunteer firefighter pension funds under part 11 of
17 article 30 of title 31, Colorado Revised Statutes, created in this
18 act.

19 (2) This act shall not terminate or require transfers of
20 moneys from volunteer firemen's pension funds governed by part
21 4 of article 30 of title 31, C.R.S., in effect on the day before the
22 effective date of this act. On and after the effective date of this
23 act, these funds shall remain in effect and be governed by part 11
24 of article 30 of title 31, Colorado Revised Statutes, created in this
25 act.

1 SECTION 22. **Safety clause.** The general assembly
2 hereby finds, determines, and declares that this act is necessary
3 for the immediate preservation of the public peace, health, and
4 safety.