

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0093.01 Nicole Myers x4326

SENATE BILL 13-080

SENATE SPONSORSHIP

Tochtrop, King S., Morse

HOUSE SPONSORSHIP

Peniston, Duran, Labuda, Waller

Senate Committees

Judiciary

House Committees

Local Government

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Police Officers' and Firefighters' Pension Reform Commission.

Any municipality that offers police or fire protection services and any special district, fire authority, or county improvement district that offers fire protection services (employer) is currently required to provide

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 8, 2013

SENATE
3rd Reading Unamended
February 5, 2013

SENATE
2nd Reading Unamended
February 4, 2013

pension benefits through the fire and police pension association's (FPPA) statewide defined benefit plan to its full-time employees and some part-time employees whose duties are directly involved with the provision of police or fire protection (member). In addition, members are currently eligible for the benefits provided by the FPPA's statewide death and disability plan.

The bill states that if an employer that is otherwise required to enroll its members under the statewide defined benefit plan or the statewide death and disability plan fails to properly enroll a member, neither the fire and police pension association nor the defined benefit system trust fund or death and disability trust fund, as applicable, is obligated or liable for any purpose to any person or employer arising from such failure.

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

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

4 **31-31-401. Applicability of plan.** (6) IF AN EMPLOYER THAT IS
5 OTHERWISE REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO
6 PROPERLY ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE
7 PENSION ASSOCIATION NOR THE DEFINED BENEFIT SYSTEM TRUST FUND IS
8 OBLIGATED OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER
9 ARISING FROM SUCH FAILURE.

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

12 **31-31-802. Coverage.** (3) IF AN EMPLOYER THAT IS OTHERWISE
13 REQUIRED TO ENROLL ITS MEMBERS UNDER THE PLAN FAILS TO PROPERLY
14 ENROLL SUCH MEMBERS, NEITHER THE FIRE AND POLICE PENSION
15 ASSOCIATION NOR THE DEATH AND DISABILITY TRUST FUND IS OBLIGATED
16 OR LIABLE FOR ANY PURPOSE TO ANY PERSON OR EMPLOYER ARISING FROM
17 SUCH FAILURE.

18 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2014 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.