

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0330.01 Nicole Myers x4326

HOUSE BILL 16-1028

HOUSE SPONSORSHIP

Van Winkle, Buck, Lontine, Ginal

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE STATEWIDE DEATH AND
102 DISABILITY PLAN ADMINISTERED BY THE FIRE AND POLICE
103 PENSION ASSOCIATION.

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/bills summaries>.)

Police Officers' and Firefighters' Pension Reform Commission.

A member of the fire and police pension association (FPPA) who has a temporary disability and returns to work or retires can receive contributions from the statewide death and disability plan to the member's normal retirement plan for his or her time on temporary disability. This

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.

allows the member to receive a full retirement benefit. Current law requires a transfer from the statewide death and disability plan to the member's normal retirement plan at the rate of 16% of the member's monthly base salary for the time that the member received temporary disability benefits, even if the contribution rate for the member's normal retirement plan was less than 16%. The bill changes the contribution rate to an amount equal to the employer and employee contribution rate being made to the member's normal retirement plan at the time of the disability, not to exceed 16% of the member's monthly base salary.

Currently, FPPA employers are required to ask prospective employees to complete a statewide standard health history form, and the prospective employees are required to complete the form before they may begin employment. The bill changes this requirement and now requires that a newly hired FPPA member complete and submit the form to the FPPA within 30 days of the newly hired member's first day of employment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-31-805, **amend**
3 (2) (i) and (2.5) as follows:

4 **31-31-805. Change in disability status - reexamination.**

5 (2) (i) When a temporary occupational disability ceases to exist and the
6 member is restored to active service with the member's employer, a
7 transfer will be made from the statewide death and disability plan to the
8 member's normal retirement plan in the amount of THE MONTHLY
9 EMPLOYER AND EMPLOYEE CONTRIBUTIONS BEING MADE TO THE MEMBER'S
10 PENSION PLAN AT THE TIME OF DISABILITY BUT NOT MORE THAN sixteen
11 percent of the monthly base salary that the member was being paid at the
12 time of disability retirement, multiplied by the number of months the
13 member received temporary occupational disability benefits. The member
14 will receive service credit for such transfer. A restored member of a local
15 plan which has a contribution rate in excess of sixteen percent shall have
16 the difference between the amount transferred and the amount that would

1 have been contributed at the excess rate, made up by an additional
2 contribution from the employer.

3 (2.5) When a member on temporary occupational disability
4 satisfies the age and service requirements for a normal retirement,
5 including the time the member was on temporary occupational disability,
6 a transfer shall be made from the statewide death and disability plan to the
7 member's normal retirement plan in the amount of THE MONTHLY
8 EMPLOYER AND EMPLOYEE CONTRIBUTIONS BEING MADE TO THE MEMBER'S
9 PENSION PLAN AT THE TIME OF DISABILITY BUT NOT MORE THAN sixteen
10 percent of the monthly base salary that the member was being paid at the
11 time of disability retirement, multiplied by the number of months the
12 member received temporary occupational disability benefits. A member
13 of a statewide or local retirement plan that has a mandatory contribution
14 rate in excess of sixteen percent shall have the difference between the
15 amount transferred and the amount that would have been contributed at
16 the excess rate made up by an additional contribution from the employer.
17 The member shall then be granted a normal retirement under the
18 member's normal retirement plan and the temporary occupational
19 disability benefits under the statewide death and disability plan shall
20 terminate.

21 **SECTION 2.** In Colorado Revised Statutes, 31-31-810, **amend**
22 (1) (c) (II) as follows:

23 **31-31-810. Employer liability - statewide standard health**
24 **history form.** (1) (c) (II) Every employer of a member who commences
25 employment on or after September 1, 1989, shall furnish the statewide
26 standard health history form to the ~~prospective~~ NEWLY HIRED member and
27 shall require its completion by the ~~prospective~~ NEWLY HIRED member

1 ~~before allowing the member to enter upon employment~~ WITHIN THIRTY
2 DAYS OF THE FIRST DATE OF EMPLOYMENT. The completed form shall be
3 filed with the fire and police pension association ~~by the employer~~ within
4 sixty days from commencement of employment.

5 **SECTION 3. Applicability.** Section 1 of this act applies to
6 members on temporary occupational disability who are restored to active
7 service or satisfy the age and service requirements for a normal retirement
8 on or after the effective date of this act.

9 **SECTION 4. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2016 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.