

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 10-0157.01 Ed DeCecco

SENATE BILL 10-021

SENATE SPONSORSHIP

Morse, Lundberg, Tochtrop, Williams

HOUSE SPONSORSHIP

Labuda, Benefield, Gardner B., King S., Liston, Peniston, Schafer S., Waller

Senate Committees

Business, Labor and Technology

House Committees

Business Affairs and Labor

A BILL FOR AN ACT

101 **CONCERNING A VOLUNTEER FIREFIGHTER PENSION PLAN.**

Bill Summary

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

Police Officers' and Firefighters' Pension Reform Commission.

Makes the following changes to the "Volunteer Firefighter Pension Act":

- ! Eliminates the exclusion of the reimbursement for lost wages from the definition of "compensation", as the term is used in the definition of "volunteer firefighter";
- ! Permits retired fire department members, including those who have returned to active service, to serve on the board of trustees of a volunteer firefighter pension fund (fund);
- ! Eliminates an investment restriction on a trustee of a fund;

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 Unam ended
February 17, 2010

SENATE
3rd Reading Unam ended
January 29, 2010

SENATE
Am ended 2nd Reading
January 28, 2010

- and
- ! Eliminates the requirement that the board of trustees of a fund deliver a copy of a report on the condition of the fund to the board of directors of its fire protection district.

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

2 **SECTION 1.** 31-30-1102 (9), Colorado Revised Statutes, is
3 amended to read:

4 **31-30-1102. Definitions.** As used in this part 11, unless the
5 context otherwise requires:

6 (9) (a) "Volunteer firefighter" means a firefighter who renders
7 service to a fire department in a municipality, county, or district, who
8 does not receive compensation as a firefighter, and who is not classified
9 as an employee for purposes of the federal "Fair Labor Standards Act of
10 1938", as amended, based on payments, fees, or benefits that the
11 firefighter receives. "Volunteer firefighter" may include other
12 designations or titles given to firefighters provided that the firefighter
13 meets all of the requirements for being a volunteer firefighter in this part
14 11.

15 (b) For the purposes of this subsection (9), "compensation" does
16 not include:

17 (I) Actual expenses incurred by and reimbursed to a volunteer
18 firefighter;

19 ~~(II) Salary lost as a consequence of actual firefighting duties~~
20 ~~causing the absence of the volunteer firefighter from normal employment;~~

21 (III) Participation in or receipt of benefits from the fund;

22 (IV) Participation in or receipt of benefits upon termination of
23 volunteer services to any district or municipality provided as part of an

1 internal revenue code qualified volunteer service award plan established
2 for the benefit of volunteer firefighters;

3 (V) Payments from federal moneys, either through the district or
4 municipality or to the volunteer firefighter directly, for participation in a
5 temporary emergency incident;

6 (VI) Nominal fees or benefits paid on a per-call basis or as part of
7 an annual merit or recognition award program or other incentive award
8 program.

9 **SECTION 2.** 31-30-1105 (1) (c), Colorado Revised Statutes, is
10 amended to read:

11 **31-30-1105. Board - fire protection district.** (1) In a fire
12 protection district, the board must consist of the following members:

13 (c) (I) PRIOR TO AUGUST 15, 2010, two fire department members
14 elected by the fire department members for two-year terms; except that,
15 at the initial election, one member shall be elected for two years and one
16 member for one year. In all subsequent elections, these members shall be
17 elected for two years.

18 (II) (A) ON AND AFTER AUGUST 15, 2010, TWO INDIVIDUALS
19 ELECTED FROM ONE OR MORE OF THE FOLLOWING GROUPS TO THE EXTENT
20 SUCH GROUPS EXIST AT THE TIME OF ELECTION: FIRE DEPARTMENT
21 MEMBERS, RETIRED FIRE DEPARTMENT MEMBERS, OR RETIRED FIRE
22 DEPARTMENT MEMBERS RETURNED TO ACTIVE SERVICE PURSUANT TO
23 SECTION 31-30-1132. ALL MEMBERS IN EACH GROUP EXISTING AT THE
24 TIME OF ELECTION SHALL BE GIVEN THE OPPORTUNITY TO VOTE FOR THE
25 TWO INDIVIDUALS. THE TWO INDIVIDUALS SHALL SERVE FOR TWO-YEAR
26 TERMS; EXCEPT THAT, AT THE INITIAL ELECTION, ONE INDIVIDUAL SHALL
27 BE ELECTED FOR TWO YEARS AND ONE INDIVIDUAL FOR ONE YEAR. IN ALL

1 SUBSEQUENT ELECTIONS, THESE INDIVIDUALS SHALL BE ELECTED FOR TWO
2 YEARS.

3 (B) NOTHING IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH
4 (II) SHALL BE CONSTRUED TO LIMIT THE TERM OF A BOARD MEMBER
5 ELECTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (C).

6 **SECTION 3.** 31-30-1113 (2), Colorado Revised Statutes, is
7 amended to read:

8 **31-30-1113. Fund investments.** (2) Upon the board's direction,
9 the treasurer of a municipality or district may invest part of the fund
10 available for investment, with or without one or more other volunteer
11 firefighter pension funds, in a noninsured trust pension plan with a bank
12 or trust company authorized to exercise trust powers in this state as a
13 trustee. The trustee's investment of fund moneys is governed by article
14 1.1 of title 15, C.R.S. ~~but the trustee shall at all times hold fixed-income~~
15 ~~obligations having a book value or cost of not less than sixty percent of~~
16 ~~the total contributions made to the trust less the amounts paid out.~~

17 **SECTION 4.** 31-30-1119, Colorado Revised Statutes, is amended
18 to read:

19 **31-30-1119. Board report - municipality.** The board shall make
20 a report to the governing body of the municipality ~~or the board of~~
21 ~~directors of its district, whichever is applicable,~~ on the condition of the
22 fund. The board shall submit the report to the governing body ~~or board~~
23 ~~of directors~~ before the last meeting in February and the last meeting in
24 August of each year.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 shall take effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall not take effect
5 unless approved by the people at the general election to be held in
6 November 2010 and shall take effect on the date of the official
7 declaration of the vote thereon by the governor.